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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 16.01.2025

\+ **RC.REV. 343/2024 & CM APPL. 68276/2024**

OM PRAKASH & ORS. .....Petitioners

Through: Mr. Rajat Aneja, Ms. Vandna Aneja, Ms. Smriti & Mr. Aditya Sharma, Advocates.

versus

POONAM JAIN .....Respondent

Through: Mr. Farman Ali, Mr. Piyush Gupta & Ms. Usha Jamnal, Advocates.

CORAM:
HON'BLE MS. JUSTICE TARA VITASTA GANJU

TARA VITASTA GANJU, J.: (Oral)

1. The present Petition has been filed on behalf of the Petitioners/tenants impugning the order dated 11.07.2024 [hereinafter referred to as "Impugned Order"] passed by the learned Additional Rent Controller-02, Central, Tis Hazari, Delhi. By the Impugned Order, the Leave to Defend/Contest Application filed by the Petitioners/tenants has been dismissed with respect to the premises i.e., Shop No.1 (Self-Marked), situated at Ground Floor, Property bearing No. 2628/1, 2674 to 2677, Gali Munde Wali, Sadar Bazar, Delhi-110006 [hereinafter referred to as "subject premises"].

2. After a brief examination of the matter, this Court had passed a direction on 22.11.2024 that, *prima facie*, the Impugned Order has dealt with the contentions raised by the Petitioners/tenants, including in paragraph 11

of the Impugned Order. On 22.11.2024, after briefly hearing the learned Counsel for the Petitioners/tenants, had recorded as follows:

> *"7. Learned Counsel for the Petitioners/tenants submits that so far as concerns the landlord-tenant relationship and the ownership of the subject Premises, the same is not disputed.*
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> *8. The bonafide need as set out in the Eviction Petition is that the Respondent/landlord and his wife require to open a separate business for their livelihood because their financial condition is not now sound. It is stated that both of them are sitting idle at home and they require the subject premises to set up a business to supplement their income.*
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> *9. Learned Counsel for the Petitioners/tenants submits that prior to filing of the Eviction Petition, the Respondent/landlord had attempted to raise construction on the roof of second floor of the building, which was challenged by the Petitioners/tenants by filing of a suit. By order dated 17.09.2019, the learned Trial Court had had disposed of the suit while restraining the Respondent/landlord from raising any unauthorised construction. Thereafter, these Eviction Petitions were filed.*
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> *10. The only issue that is raised by the learned Counsel for the Petitioners/tenants is that the need was not bonafide since the Respondent/landlord had alternate accommodations available and that four shops were sold by her prior to the filing of the Eviction Petitions.*
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> *10.1 Prima facie, the examination of the Impugned Order shows that the learned Trial Court has dealt with this aspect as well in paragraph 11.6 of the Impugned Order."*

3. With the consent of the parties, the matter is taken up for hearing and final disposal today.

4. Learned Counsel for the Petitioners/tenants makes the following submissions before the Court today:

4.1 In the first instance, it is contended that the Respondents/landlord had have filed multiple eviction petitions simultaneously without setting out what specific business the Respondent/landlord intends to run. The specifics

of the business have not set out and only a bald averment has been made that the Respondent/landlord and her husband require the subject premises to open a separate business for their livelihood and to supplement their income because their financial condition is now not sound.

4.2 It is further contended that the Respondent/landlord had sold to third parties, two shops on the ground floor, the entire first floor and the entire second floor of the building in which the subject premises is situated prior to filing of the Eviction Petition. This shows that the Respondent/landlord did not have any bonafide requirement for the subject premises.

4.3 It is also contended that there are no medical documents placed on record to show the need that there is illness in the family of the Respondent/landlord so as to require the sale of the shops and other portions by the Respondent/landlord.

4.4. In addition, it is averred that the husband of the Respondent/landlord is already running a dairy farm by the name of 'Sudarshan Dairy Farm' and has a successful business, thus, the need as set out by the Respondent/landlord is not *bona fide*. Reliance is placed by the Petitioners/tenants on their Leave to Defend/Contest Application, along with which the transcripts of the Youtube videos were filed, which show that, in fact, the business of Sudarshan Dairy Farm is being run by the husband of the Respondent/landlord and not by the son of the Respondent/landlord, as is contended.

5. Learned Counsel for the Petitioners/tenants further avers that prior to the filing of the Eviction Petition, the Respondent/landlord attempted to do

unauthorized construction in the subject building, against which the Petitioners/tenants had filed a suit for eviction and the matter was disposed of stating that the Respondent/landlord will not carry out any unauthorized construction. It is contended that these facts were concealed by the Respondent/landlord, and thus, no relief should be granted to the Respondent/landlord.

6. Lastly, it is contended that the Petitioners/tenants have been utilizing the subject premises for several decades and that they will be inconvenienced by the eviction order.

7. The learned Counsel for the Respondent/landlord refutes the contentions of the learned Counsel for the Petitioners/tenants and makes following submissions:

7.1 Learned Counsel for the Respondent/landlord submits that the son of the Respondent/landlord owns the business of Sudarshan Dairy Farm. He seeks to rely on paragraph 5 of the Reply to Leave to Defend/Contest Application to submit that it is the son of the Respondent/landlord who has been running this business and for the part of the year when the son of the Respondent/landlord is not available due to his job, his father assists in managing the business for his son. However, it is contended that it is not the business of the father but the business of the son of the Respondent/landlord.

7.2 For the sale of two shops on the ground floor, the entire first floor and the entire second floor it is contended that the Respondent/landlord and her husband migrated from Australia in 2013 and required money to survive, and thus, they sold part of the premises that they owned. Learned Counsel

for the Respondent/landlord seeks to rely upon paragraph 8 of the Reply to Leave to Defend/Contest Application, which is extracted below:

> *"That the contents of the para No.8 are denied being vexatious and false. It is specifically denied that the intention of the petitioner is only to get the shops vacated and thereafter to sell the same. it is submitted that the petitioner has clearly stated in her eviction petition that she and her husband has no source of livelihood except the tenanted premises and now they decided to start their own business from the property in question and thus filed the present eviction petition along with 6 other petitions."*

7.3 So far as concerns the aspect of business not being specified, the learned Counsel for the Respondent/landlord seeks to rely upon a judgment dated 29.11.2023 passed by a Coordinate Bench of this Court in RC.REV. 117/2016 captioned ***Manmohan Singh v. Arjun Uppal & Anr.,*** which has relied on two judgments passed by the Supreme Court. The relevant extract of the ***Manmohan Singh*** case is below:

> *"53. Tenant in his leave to defend application has pleaded that the respondent no. 1 has no experience or expertise in running of a restaurant. It is settled law that experience or expertise is not a pre requisite condition to fulfil under section 14(1)(e) of the DRC Act. This aspect is dealt in* ***Dattatraya Laxman Kamble v. Abdul Rasul Moulali Kotkunde, (1999) 4 SCC 1****, wherein the Hon'ble Supreme Court has held as under:-*
>
> > *"12. If a person wants to start a new business of his own it may be to his own advantage if he acquires experience in that line. But to say that any venture of a person in the business field without acquiring past experience reflects lack of his bona fides is a fallacious and unpragmatic approach. Many a business has flourished in this country by leaps and bounds which was started by a novice in the field; and many other business ventures have gone haywire despite vast experience to the credit of the propounders. The opinion of the learned Single Judge that acquisition of sufficient know-how is a precondition for even proposing to start any business, if gains approval as a proposition of law, is likely to shatter the initiative of young talents and deter new entrepreneurs from entering any field of business or*

commercial activity. Experience can be earned even while the business is in progress. It is too pedantic a norm to be formulated that "no experience no venture".

54. In addition, learned counsel for the landlords has relied on ***Raj Kumar Khaitan v. Bibi Zubaida Khatun, (1997) 11 SCC 411*** *and more particularly para 4 which reads as under:-*

"4. It is clear from the averments made in the above-quoted paragraphs that the ***plaintiffs asserted that there were no other means of livelihood with them and as such they wanted to set up their own business in the premises*** *in dispute. The High Court, however, came to the conclusion that apart from the above-quoted pleadings it was necessary to plead the nature of the business which the appellant-plaintiffs wanted to start in the premises. We are of the view that the High Court fell into patent error.* ***It was not necessary for the appellant-landlords to indicate the precise nature of the business which they intended to start in the premises. Even if the nature of business would have been indicated nobody could bind the landlords to start the same business in the premises after it was vacated.*** *"*

[Emphasis supplied]

7.4 On the aspect of Youtube videos being circulated stating that the husband of the Respondent/landlord is running business of Sudarshan Dairy Farm, learned Counsel for the Respondent/landlord does not deny the Youtube videos, however, it is stated therein that the Youtube videos were for promotional purposes, and thus, it is stated therein that the father is managing the business while the son is away, however, the business is not owned by the father.

8. Learned Trial court has examined all these contentions in detail and passed the Impugned Order. In terms of ownership of the subject premises and existence of landlord-tenant relationship, the learned Trial Court found that there is no dispute.

8.1 On the aspect of *bona fide* need of the Respondent/landlord learned trial court has held that the subject premises is required by the Respondent/landlord and her husband to run separate business to earn livelihood and to provide financial assistance to the family and the same is *bona fide*. Learned Trial Court further held that just because Respondent/landlord sold certain properties prior to the filing of the Eviction Petition, the Court cannot presume that the Respondent/landlord would sell the subject premises. Hence the need of the Respondent/landlord was found to be *bona fide.*

8.2 It was further held by the learned Trial Court that the Petitioner/tenant failed to prove availability of alternate suitable accommodation with the Respondent/landlord and hence, Petitioners/tenants failed to raise any triable issue in this regard.

9. As stated above, the learned Counsel for the Petitioner/tenant has raised three contentions being that the precise nature of business has not been disclosed by the Respondent/landlord; that the Respondent/landlord already has sold properties prior to filing the Eviction Petition, thus his need cannot be *bona fide* and lastly that the Respondent/landlord is already running a business by the name of "Sudarshan Dairy". Thus, the need as set out by the Respondent/landlord is not *bona fide.*

10. The Supreme Court in the case of ***Raj Kumar Khaitan v. Bibi Zubaida Khatun***[1] which has also been relied upon in the ***Manmohan Singh case*** has held that it is not necessary for landlord to indicate the precise

nature of the business which the landlord intends to start in the premises. The relevant extract of the ***Raj Kumar Khaitan*** case is reproduced below:

> *" **4.** It is clear from the averments made in the above-quoted paragraphs that the plaintiffs asserted that there were no other means of livelihood with them and as such they wanted to set up their own business in the premises in dispute. The High Court, however, came to the conclusion that apart from the above-quoted pleadings it was necessary to plead the nature of the business which the appellant-plaintiffs wanted to start in the premises. **We are of the view that the High Court fell into patent error. It was not necessary for the appellant-landlords to indicate the precise nature of the business which they intended to start in the premises. Even if the nature of business would have been indicated nobody could bind the landlords to start the same business in the premises after it was vacated.**"*
>
> [Emphasis Supplied]

10.1. Thus, the contention of the learned counsel for the Petitioners/tenants that the Respondent/landlord have filed an Eviction Petition without setting out the specifics of business that will be carried on by the Respondent/landlord and her husband is without any merit.

11. On the aspect of Respondent/landlord selling properties prior to filing of the Eviction Petition, reference is made to the Eviction Petition wherein it has been specified by the Respondent/landlord that due to health issues of the husband of the Respondent/landlord and financial constraints the Respondent/landlord had to sell two shops on the ground floor along with first floor and second floor of the building in which the subject premises is situated. The relevant extract of the Eviction Petition is reproduced below:

> *"Para 18 (a) (vi) That earlier petitioner and her husband were employed in Australia which they left in the year 2013 and with the money they saved during their employment in Australia, they purchased the said property and were living their life on the basis of rental income.*

[1] (1997) 11 SCC 411

> ***However due to health issues of husband of petitioner and acute financial crisis, she has sold out two shops i.e. Shop No.9 &10 alongwith First floor and Second floor of the said property to some other persons because neither the petitioner nor her husband has any source of income. The copy of the sale deed executed by the petitioner is annexed herewith****."*
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> [Emphasis Supplied]

11.1. Learned Trial Court in this regard has given a finding that just because the Respondent/landlord has already sold certain properties prior to institution of the Eviction Petition, in cannot be presumed that Respondent/landlord would sell the subject premises. The relevant extract of the Impugned Order is reproduced below:

> "*11.6. It is also averred by the respondent that respondent that the need of the petitioner is malafide because petitioner wants to sell the property after evicting the respondent as she has already sold first floor, second floor and two shops on ground floor.* ***However, just because petitioner sold certain properties prior to institution of this petition, this Court cannot presume that petitioner would sale the subject premises. S.19 of DRC Act is there to protect the tenant in case of such eventuality."***
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> [Emphasis Supplied]

12. In the case of ***Shyam Sunder Ahuja v. Shushil Kumar***,[2] a Coordinate Bench of this Court has held that the plea that landlord had sold some property or let out some property is not a ground to deny order of eviction to landlord. The relevant extract is reproduced below:

> *" 16. Not only so, the petitioner/tenant also did not state that there was no change in the requirement of the respondent/landlord since then.* ***Merely taking a plea that the respondent/landlord has in the past sold some property or let out some property has in Narender Kumar Shah Proprietor Jay Bharat Steels v. Malti Narang 2014 SCC OnLine Del 3839 and Anil Kumar Bagania v. Shiv Rani 2014 SCC OnLine Del***

[2] 2017 SCC OnLine Del 10624

6645 been held to be not a ground for denying order of eviction to landlord on the ground of self requirement of premises.

17. The sale of other shops by the respondent/landlord, nearly five years prior to the institution of the petition for eviction, can be for diverse reasons. It is the case of the respondent/landlord that he has no vocation. If he was subsisting, by sale from time to time of his properties and has now, when left with the last one, realised that it will be literally like killing the fabled hen which laid the golden eggs, and has decided to commence business therefrom, it certainly cannot be said, even after trial if leave to defend were to be granted, that the landlord has no requirement of premises."

[Emphasis Supplied]

13. Given the settled law as discussed above and the explanation as set out by the Respondent/landlord in the Eviction Petition, this Court does not find any infirmity with the finding of the learned Trial Court in this regard.

14. In any event, the provisions of the Delhi Rent Control Act, 1958 [hereinafter referred to as the "Act"] provide for a remedy of restoration of possession to a Petitioners/tenants in one situation, i.e., under Section 19 of the Act. In cases allowed under Section 14(1)(e) of the Act, the recovery of possession by a tenant under Section 19(1) of the Act can be obtained if the landlord re-let the whole or part of the subject premises within three years from the date of obtaining possession from the evicted tenant. Sub-section (2) of Section 19 of the Act further provides that where such premises are not occupied within two months by landlord or within three years from the date of possession by the person for whose benefit the premises are held, or are re-let to a person without permission of the Rent Controller within three years from the date of possession, the Rent Controller may direct the landlord to put the tenant in possession or pay him such compensation as is deemed fit by the Rent Controller.

14.1 Section 19 of the Act is set out below:

> *"19. Recovery of possession for occupation and re-entry.—(1) Where a landlord recovers possession of any premises from the tenant in pursuance of an order made under clause (e) of the proviso to sub-section (1) of section 14 [or under sections 14A, 14B, I4C, 14D and 21, the landlord shall not, except with the permission of the Controller obtained in the prescribed manner, re-let the whole or any part of the premises within three years from the date of obtaining such possession, and in granting such permission, the Controller may direct the landlord to put such evicted tenant in possession of the premises.*
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> *(2) Where a landlord recovers possession of any premises as aforesaid and the premises are not occupied by the landlord or by the person for whose benefit the premises are held, within two months of obtaining such possession, or the premises having been so occupied are, at any time within three years from the date of obtaining possession, re-let to any person other than the evicted tenant without obtaining the permission of the Controller under sub-section (1) or the possession of such premises is transferred to another person for reasons which do not appear to the Controller to be bona fide, the Controller may, on an application made to him in this behalf by such evicted tenant within such time as may be prescribed, direct the landlord to put the tenant in possession of the premises or to pay him such compensation as the Controller thinks fit."*

14.2. The Supreme Court in ***Abid-Ul-Islam v. Inder Sain Dua***[3] case has held that Section 19 of the Act gives a right of re-possession to the dispossessed tenant if landlord recovers possession under Section 14(1)(e) of the Act and thereafter, the landlord does not use the subject premises for the purpose that it was intended and set out in such Eviction Petition on which basis, an order for eviction was obtained by the landlord. The relevant extract is set out below:

> *"19. Before a presumption is drawn, the landlord is duty-bound to place prima facie material supported by the adequate averments. It is only thereafter, the presumption gets attracted and the onus shifts on the tenant. The object of Section 14(1)(e) vis-à-vis Section 25-B has to*

[3] (2022) 6 SCC 30

be seen in the light of yet another provision contained under Section 19. ***Section 19 gives a right to the dispossessed tenant for repossession if there is a non-compliance on the part of the landlord albeit after*** *eviction, to put the premises to use for the intended purpose.* ***Such a right is available only to a tenant who stood dispossessed on the application filed by the landlord invoking Section 14(1)(e) being allowed. Thus, Section 19 inter alia throws more light on the legislative objective facilitating a speedy possession.*** *The object is also reflected in the proviso to Section 25-B(8), denying a right of appeal.."*

[Emphasis Supplied]

15. Petitioners/tenants in their leave to defend/contest filed before the learned Trial Court raised a ground that the husband of the Respondent/landlord is already running a dairy farm by the name of 'Sudarshan Dairy Farm' and has a successful business. Reliance in this regard was placed upon transcript of an Youtube video to submit that the husband of the Respondent/landlord is already running a successful business and hence the need of the Respondent/landlord is not *bona fide*. The YouTube video was not placed on record before this Court, however, the transcript was filed by the Petitioner/tenant.

15.1 The Respondent/landlord both before the learned Trial Court, in her Reply to leave to defend Application, and before this Court has specifically denied that the business belongs to her and her husband. It is stated that the business belongs to the son of the Respondent/landlord, who is also employed in a shipping company temporarily and that in his absence, it is the husband of the Respondent/landlord who takes care of the business, but the business belongs to the son. The Respondent/landlord has further clarified that the land on which the said dairy business is taken on rent by the son of the Respondent/landlord. The Respondent/landlord has placed on

record the rent agreement of the son of the Respondent/landlord for the premises let out for the Sudarshan Dairy business as proof as well. In addition, the Income Tax records of Mr. Adish Jain, son of Respondent/landlord, have also been filed before the learned Trial Court to evidence that the son of the Respondent/landlord is running the business. The relevant extract of the reply to the leave to defend as filed by the Respondent/landlord is extracted below:

> *"5. That the contents of Para 5 of the present affidavit are wrong, incorrect and denied as a whole. It is specifically denied that the petitioner has concealed any real fact from this Hon'ble Court.* ***It is specifically denied that petitioner and her husband are engaged in the business of dairy farming since 2016. It is also denied the said business is run by them under the name and style of "Sudarshan Dairy Farm". It is pertinent to mention here that the said business is run by the son of the petitioner as he is only working with Anglo Eastern Shipping Company for a period of 6 months and his job is on temporary basis and the said land was taken out on rent by her son for a period of three years only and the said business is also going into losses. It is also pertinent to mention here that neither the petitioner not her husband has any active role in the said business of her son. The copy of the rent agreement along-with ITR returns are annexed herewith for the kind perusal of this Hon'ble Court****."*
>
> [Emphasis Supplied]

16. The detailed explanation as given by the Respondent/landlord with respect to the farm business belonging to his son is plausible. The transcript, as has been placed on record by the Petitioners/tenants, has the husband of the Respondent/landlord discussing the types of cows that are available on the farm and the quantity of milk of that is available. The promotional video for a business could include a narration that the husband of the Respondent/landlord is managing the business. This does not show, in any manner, that the Respondent/landlord owns the business. Thus, the

challenge by the Petitioners/tenants on this aspect is devoid of any merit as well.

17. Lastly, on the averment of the Respondent/landlord that the Petitioners/tenants will face inconvenience since they have been residing in the subject premises for several decades, cannot be a ground to deprive the Respondent/landlord from his property. In the case of ***Mohd. Ayub v. Mukesh Chand***[4], Supreme Court has held that it is well settled that the landlord's requirement need not be a dire necessity. Further, the Court has also held that the even though hardship will be caused to the tenant who is being asked to move out of the premises, but depriving landlord from occupying his own premises is likely to result in more hardship.

> *"15**. It is well settled the landlord's requirement need not be a dire necessity. The court cannot direct the landlord to do a particular business or imagine that he could profitably do a particular business rather than the business he proposes to start.** It was wrong on the part of the District Court to hold that the appellants' case that their sons want to start the general merchant business is a pretence because they are dealing in eggs and it is not uncommon for a Muslim family to do the business of non-vegetarian food. It is for the landlord to decide which business he wants to do. The court cannot advise him. Similarly, length of tenancy of the respondent in the circumstances of the case ought not to have weighed with the courts below.*
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> *xxx xxx xxx xxx*
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> *18. In the ultimate analysis, we are of the view that the perverse findings of the courts below on the aspect of comparative hardship must be set aside. The High Court has rightly found the need of the appellants to be bona fide. It has however, fallen into an error in directing the respondent to hand over only one room to the appellants**. In our opinion, the hardship the appellants would suffer by not occupying their own premises would be far greater than the hardship the respondent would suffer by having to move out to another place. We are mindful of the***

[4] (2012) 2 SCC 155

> ***fact that whenever the tenant is asked to move out of the premises some hardship is inherent. We have noted that the respondent is in occupation of the premises for a long time. But in our opinion, in the facts of this case that circumstance cannot be the sole determinative factor.*** *That hardship can be mitigated by granting him longer period to move out of the premises in his occupation so that in the meantime he can make an alternative arrangement."*
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> [Emphasis Supplied]

18. The jurisdiction of this Court is only revisionary in nature and limited in scope. The Supreme Court in ***Abid-Ul-Islam*** case while interpreting the intendment of the legislature in removing two stages of Appeal that were earlier provided in the Act has held that this is a conscious omission. It was held that the High Court is not expected to substitute and supplant its view with that of the learned Trial Court, its only role is to satisfy itself on the process adopted. Thus, the scope of revisionary jurisdiction of this Court has been limited to examine if there is an error apparent on the face of the record or absence of any adjudication by the learned Trial Court, and it is only then should the High Court interfere. The Supreme Court has also cautioned from converting the power of superintendence into that of a regular first Appeal under revisionary jurisdiction. This has been elucidated at length by Supreme Court in ***Abid-Ul-Islam*** case in the following manner***:***

> *"Scope of revision*
>
> *22. We are, in fact, more concerned with the scope and ambit of the proviso to Section 25-B(8). The proviso creates a distinct and unequivocal embargo by not providing an appeal against the order passed by the learned Rent Controller over an application filed under sub-section (5). The intendment of the legislature is very clear, which is to remove the appellate remedy and thereafter, a further second appeal. It is a clear omission that is done by the legislature consciously through a covenant removing the right of two stages of appeals.*
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> *23. The proviso to Section 25-B(8)* ***gives the High Court exclusive power***

of revision against *an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance.* ***Thus, the High Court is not expected to substitute and supplant its views with that of the trial court by exercising the appellate jurisdiction. Its role is to satisfy itself on the process adopted. The scope of interference by the High Court is very restrictive and except in cases where there is an error apparent on the face of the record****, which would only mean that in the absence of any adjudication per se, the High Court should not venture to disturb such a decision. There is no need for holding a roving inquiry in such matters which would otherwise* ***amount to converting the power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature.***

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25. The aforesaid decision has been recently considered and approved by this Court in Mohd. Inam v. Sanjay Kumar Singhal [Mohd. Inam v. Sanjay Kumar Singhal, (2020) 7 SCC 327 : (2020) 4 SCC (Civ) 107] : (SCC pp. 340-41, paras 22-23)

> *"22. This Court in Sarla Ahuja v. United India Insurance Co. Ltd. [Sarla Ahuja v. United India Insurance Co. Ltd., (1998) 8 SCC 119] had an occasion to consider the scope of proviso to Section 25-B(8) of the Delhi Rent Control Act, 1958. This Court found, that though the word "revision" was not employed in the said proviso, from the language used therein, the legislative intent was clear that the power conferred was revisional power. This Court observed thus : (SCC p. 124, para 11)*
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> > *'11. The learned Single Judge of the High Court in the present case has reassessed and reappraised the evidence afresh to reach a different finding as though it was exercising appellate jurisdiction. No doubt even while exercising revisional jurisdiction, a reappraisal of evidence can be made, but that should be for the limited purpose to ascertain whether the conclusion arrived at by the fact-finding court is wholly unreasonable.'*
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> ***It could thus be seen, that this Court has held, that the High Court while exercising the revisional powers under the Delhi Rent Control Act, 1958 though could not reassess and reappraise the evidence, as if it was exercising appellate jurisdiction, however, it was empowered to reappraise the evidence for the limited purpose so as to ascertain whether the conclusion arrived***

at by the fact-finding *court is wholly unreasonable.*

23. Again in Ram Narain Arora v. Asha Rani [Ram Narain Arora v. Asha Rani, (1999) 1 SCC 141] , this Court had an occasion to consider the aforesaid powers under the Delhi Rent Control Act, 1958. This Court observed thus : (SCC p. 148, para 12)

> *'12. It is no doubt true that the scope of a revision petition under Section 25-B(8) proviso of the Delhi Rent Control Act is a very limited one, but even so in examining the legality or propriety of the proceedings before the Rent Controller, the High Court could examine the facts available in order to find out whether he had correctly or on a firm legal basis approached the matters on record to decide the case. Pure findings of fact may not be open to be interfered with, but (sic if) in a given case, the finding of fact is given on a wrong premise of law, certainly it would be open to the Revisional Court to interfere with such a matter.'*

It was thus held, that though the scope of revisional powers of the High Court was very limited one, but even so in examining the legality or propriety of the proceedings before the Rent Controller, the High Court could examine the facts available in order *to find out whether he had correctly or on a firm legal basis approached the matters on record to decide the case. It has also been held, that pure findings of fact may not be open to be interfered with, but in a given case, if the finding of fact is given on a wrong premise of law, it would be open to the Revisional Court to interfere with the same."*

[Emphasis supplied]

19. The learned Trial Court has examined the contentions as raised by the Petitioners/tenants and has found that no triable issue has been raised. The examination by this Court does not show anything to the contrary. As stated above, the revisionary jurisdiction of this Court is limited and circumspect. All that the Court is required to examine, in terms of the judgment of the Supreme Court in ***Abid-ul-Islam*** case, is whether there is absence of adjudication for interference by this Court or any error apparent on the face of the record. This Court finds that no ground for interference has been

made out by the Petitioners/tenants.

20. For the reasons stated above, this Court finds no infirmity with the Impugned Order.

21. The Petition is accordingly dismissed. Pending applications, if any, stand closed.

22. The parties shall act based on the digitally signed copy of the order.

TARA VITASTA GANJU, J

JANUARY 16, 2025/*g.joshi*/ *ha*

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