



2025:DHC:8897



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

Reserved on: September 26, 2025

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Pronounced on: October 08, 2025

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RC.REV. 78/2022, CM APPL. 19776/2022, CM APPL. 39626/2023

VIJAY KUMAR

....Petitioner

Through: Mr. Alok Gupta and Mr. Ranjeet Singh, Advocates.

Versus

MADHU RANI AND ORS.

.....Respondents

Through: Ms. Anshu Mahajan, Mr. Hemant Gupta, Mr. Vikas Aggarwal and Mr. Angel Sharma, Advocates

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. The respondents/ landlords¹ filed an eviction petition under *Section 14(1)(e)* read with *Section 25B* of the Delhi Rent Control Act, 1958,² before the learned ARC-01 (East), Karkardooma Courts, Delhi³, seeking eviction of the petitioner/ tenant⁴ from shop bearing no.94/2, admeasuring 8.5x18.3, situated on the right-hand, front side of the Shopping Complex, Shankar Market, Railway Road, Shahdara, Delhi-110 032⁵, on the ground of *bona fide*

¹ hereinafter referred to as "*landlords*"

² hereinafter referred to as "*DRC Act*"

³ hereinafter referred to as "*learned ARC*"

⁴ hereinafter referred to as "*tenant*"

⁵ hereinafter referred to as "*subject premises*"



requirement of the subject premises for starting a boutique shop to support herself and become financially independent.

2. In a nutshell, as per landlords, the subject premises was let out to the father of the tenant by the erstwhile owner, from whom the landlord nos.1 and 2 jointly purchased property nos.94/1 to 94/6, measuring 128.98 square yds. situated at Abadi Railway Road, Ram Nagar, Village Chandrawali, Shahdara, Delhi-110032, *vide* Sale Deed(s) dated 07.11.1996 and 06.07.2007 respectively. The subject premises was a part of the said property. The tenant was paying rent thereafter till January 2005 and has not denied the same in his response to the Legal Notice dated 17.08.2010 issued by the landlords. It is the case of the landlords that the landlord no.1 is a 78 years old lady and the landlord no.2 is her 25 years old daughter who are facing financial hardship due to loss of their earlier rent, and there is a *bona fide requirement* of the subject premises for the landlord no.1 to start a boutique in order to become financially independent from her daughters. It was also their case that the subject premises is most suitable for opening a boutique shop as it is ideally located on the roadside and there was a non-availability of any other suitable *alternative accommodation* for the same purpose.

3. Upon service, the tenant and landlord no.3 herein filed leave to defend applications under *Section(s) 25B(4) and (5)* of the DRC Act, wherein it was essentially their case that since the landlord no.1 is an aged lady incapable of starting/ running a new business, there is no *bona fide requirement*, as also that since the landlords possessed other vacant and sufficient shops in the disputed property they had *alternative accommodations* available for starting



a boutique business.

4. In response thereto, the landlords reiterated the grounds as contained in the eviction petition.

5. On 24.01.2013, the learned ARC passed an order of eviction in favour of the landlords after holding that there existed a *landlord-tenant relationship* between the parties, and the tenant failed to raise any triable issue *qua bona fide requirement* of the subject premises and the *prima facie* existence of a suitable *alternative accommodation*.

6. Aggrieved thereby, the landlord no.3 herein filed a revision petition being RC.REV. 255/2013 entitled “*Shri Prem Chand Vs. Smt. Madhu Rani & Ors.*”, wherein *vide* order dated 10.09.2014, this Court set aside the order dated 24.01.2013 and remanded the same before the learned ARC. Thereafter, though the tenant filed an application seeking review of the order dated 24.01.2013, however, it was withdrawn in view of the order dated 10.09.2014 passed by this Court.

7. Thereafter, though the learned ARC in EP 52/2012 (**RC/ARC/163/2017**) issued notice on 16.11.2017, however, neither any reply was filed by the tenant nor any evidence was led on his behalf.

8. The learned ARC then passed the judgment dated 18.11.2019⁶, allowing the eviction petition of the landlords and directing the tenant to be evicted from the subject premises.

9. Hence, the present revision petition filed by the tenant challenging the judgment dated 18.11.2019 passed by the learned ARC.

⁶ hereinafter referred to as “*impugned judgment*”



10. Mr. Alok Gupta, learned counsel for the tenant, relying upon *S. Surjit Singh Kalra vs. Union of India*⁷, *V.N. Sarin vs. Ajit Kumar*⁸, *Nanda Ballabh Gurnani vs. Maqbool Begum*⁹ and *Suraj Prakash vs. Gobind Ram*¹⁰, primarily submitted that the eviction petition of the landlords was itself barred by *Section 14(6)*¹¹ of the DRC Act since, *admittedly*, the same was initiated on the basis of two Sale Deeds dated 27.11.1996 and 06.07.2007 issued in the name of the landlord nos.1 and 2 respectively and the eviction petition was filed prior to expiry of a period of *five years* therefrom on 12.04.2012. Giving the aforesaid background, the learned counsel relying upon *Abid-Ul-Islam vs. Inder Sain Dua*¹² and *Kuldeep Singh vs. Sanjay Aggarwal*¹³, submitted that the present is a fit case for this Court to set aside the impugned judgment in exercise of its revisional jurisdiction under *Section 25B(8)* of the DRC Act.

11. Mr. Anshu Mahajan, learned counsel for the landlords, on the other hand, submitted that the issue of the eviction petition being barred by *Section 14(6)* of the DRC Act was never raised before the learned ARC. The same is relevant, as despite participating in the proceedings therein all throughout, the tenant neither denied the case of the landlords nor led evidence to prove his

⁷ MANU/SC/0814/1991

⁸ AIR 1966 SC 432

⁹ MANU/SC/0481/1980

¹⁰ S.A.O no. 109 of 1970; decision dated 29.04.1970

¹¹ “(6) Where a landlord has acquired any premises by transfer, no application for the recovery of possession of such premises shall lie under sub-section (1) on the ground specified in clause (e) of the proviso thereto, unless a period of five years have elapsed from the date of the acquisition.”

¹² (2022) 6 SCC 30

¹³ MANU/DE/1513/2018



own case before the learned ARC. Thus, there is nothing of the kind that requires any interference by this Court to exercise its revisional jurisdiction under *Section 25B(8)* of the DRC Act. The learned counsel further submitted that in any event, it is an *admitted* position that the landlord no.1 purchased the subject premises much before the mandatory period of *five years* when the eviction petition was filed by the landlords.

12. This Court has heard the learned counsel for the parties and gone through the pleadings and documents on record and the case law cited.

13. Based on the pleadings and documents on record as also the case law cited, it *admittedly* emerges [*i*] that one of the landlords, i.e. the landlord no.1 purchased the subject premises *vide* a Sale Deed on 27.11.1996 and the eviction petition was filed by the landlords only on 12.04.2012, i.e. well beyond the *five years* period from the date of said purchase by the landlord no.1; and [*ii*] that there was no such defence *qua* applicability of *Section 14(6)* of the DRC Act taken by the tenant before the learned ARC; and [*iii*] that the tenant never denied the case of the landlords nor led evidence to prove his own case despite having participated and there being repeated opportunities before the learned ARC.

14. Interestingly, even though the tenant has not disputed the aforesaid before this Court, however, Mr. Alok Gupta, learned counsel for the tenant submitted that since the landlord no.2 had admittedly purchased the subject premises only on 06.07.2007, and the eviction petition was filed on 12.04.2012, the same was not maintainable, and the right of the tenant to file written statement was wrongly closed by the learned ARC.



15. Be that as it may, in view of the conclusive findings *qua* the *landlord tenant relationship* between the parties, as also there was/ is a *bona fide requirement* of the subject premises by the landlords, who had no *alternative accommodation(s)* available with them for commencing their boutique business and the same was also not challenged by the tenant, and since Mr. Alok Gupta, learned counsel for the tenant has also addressed no arguments *qua* them, especially considering *non-denial* and *non-leading of evidence* by the tenant before the learned ARC, and moreover, since the position remains the same, the stands of the landlords proved and there is no requirement for this Court to dwell into any of the said aspects.

16. As such, the sole ground raised by Mr. Alok Gupta, learned counsel for the tenant in this revision petition is limited to the filing of an eviction petition under *Section 14(1)(e)* of the DRC Act, as also the applicability of *Section 14(6)* of the DRC Act thereof.

17. The language of *Section 14(6)* of the DRC Act is very clear. *Section 14(6)* of the DRC Act dealt with “*a landlord*” and is silent when there are more than one landlord who have acquired the subject property from time to time by “*transfer*”. This, and in any event, the DRC Act also thus does not preclude more than one/ joint owner/ landlord to file an eviction petition under *Section 14(1)(e)* of the DRC Act collectively. In such a scenario where there were/ are more than one landlord involved in an eviction petition like the present one, the time period of *five years* as per *Section 14(6)* of the DRC Act is to be calculated from earliest/ first date of purchase of a part of the subject premises, and not the subsequent date of purchase of any/ another



part of the very same subject premises. In any event, the eviction petition under *Section 14(1)(e)* of the DRC was maintainable.

18. Therefore, and further since it is the own case of the tenant in this revision petition that “... ..*the Ld. Trial Court failed to appreciate that the eviction proceeding are based upon the alleged two sale deeds propounded by respondent no.1&2 claiming as owners vide sale deeds dt. 27.11.1996 as well as 06.07.2007 and they had subsequently filed eviction petition U/s 14(1)(e) DRC Act on 12.04.2012... ..*”, admittedly, there was a gap of more than *five years* in filing the eviction petition, and thus *Section 14(6)* of the DRC Act is not applicable.

19. Moreover, it is a matter of fact that since neither any reply was filed nor any evidence was led by the tenant before the learned ARC, there was no plea *qua* applicability of *Section 14(6)* of the DRC Act before the learned ARC. The tenant is thus estopped from making out a fresh/ new case to fill his lacuna and/ or try to expand his scope by taking recourse to *Section 14(6)* of the DRC Act, and that too in this revision proceedings under *Section 25B(8)* of the DRC Act. The tenant is thus precluded from doing so.

20. Based on the above, *Section 14(6)* of the DRC Act has no applicability in the present proceedings, and even otherwise, the tenant is barred from taking recourse thereto. Therefore, the judgments, barring *Abid-Ul-Islam (supra)* cited by Mr. Alok Gupta, learned counsel for the tenant, are not applicable to the facts and circumstances of the present case.

21. This Court, thus, finds substance in the submissions advanced by Mr. Anshu Mahajan, learned counsel for the landlords.



22. Lastly, in a revision petition under *Section 25B(8)* of the DRC Act, the challenge by the tenant for setting aside the impugned judgment is only possible under exceptional circumstances like there is an error apparent on the face of the record, or there is something glaringly amiss, or there is anything contrary to the position of law. This Court finds able support in ***Sarla Ahuja v Union India Insurance Company Ltd.***¹⁴ wherein the Hon'ble Supreme Court has held as under:-

“6.In other words, the High Court shall scrutinize the records to ascertain whether any illegality has been committed by the Rent Controller in passing the order under Section 25-B. It is not permissible for the High Court in that exercise to come to a different fact finding unless the finding arrived at by the Rent Controller on the facts is so unreasonable that no Rent Controller should have reached such a finding on the materials available.”

23. Similar views have been expressed in ***Abid-Ul-Islam (supra)*** by the Hon'ble Supreme Court and in ***Kuldeep Singh (supra)*** by this Court as well.

24. In view of the aforesaid, this Court is in agreement with the well-reasoned impugned judgement dated 18.11.2019 passed by the learned ARC. The facts placed by the tenant herein do not disclose any such circumstance(s) calling for any interference by this Court.

25. Accordingly, for the afore-going reasons and analysis, the present petition along with pending application(s), if any, is dismissed, leaving the parties to bear their respective costs.

26. Accordingly, the impugned judgment dated 18.11.2019 is affirmed,

¹⁴ (1998) 8 SCC 119



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and in compliance thereof, the tenant is directed to hand over vacant and peaceful possession of *Shop bearing no. 94/2, admeasuring 8.5x18.3, situated on the right-hand, front side of the Shopping Complex at Shankar Market, Railway Road, Shahdara, Delhi-110 032*, to the landlords, namely, Ms. Madhu Rani and Ms. Richa Malhotra forthwith, since the benefit of *six-months* period as per *Section 14(7)* of the DRC Act has already lapsed.

OCTOBER 08, 2025

SAURABH BANERJEE, J