



* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of decision: September 10, 2025*

+ **RC.REV. 199/2025, CM APPL. 40177/2025-Dir & CM APPL. 40178/2025-Exp**

SANTOSH DEVI

.....Petitioner

Through: Mr. Vishwendra Verma and Ms.
Ekta Tomar, Advs.

Versus

SURESH KUMAR GUPTA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T (Oral)

1. The respondent/ landlord¹ filed an eviction petition being RC/ ARC No.270/2023 titled “*Shri Suresh Kumar Gupta vs. Smt. Santosh Devi*” under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958² against the petitioner/ tenant³ seeking eviction of the portion being no.26 (second floor)⁴ in property being no.1635-1636, Gali Borian, Himmat Garh, Delhi⁵ before the learned Additional Rent Controller-01, Central District, Tis Hazari Courts, Delhi⁶, on the ground of there being a *landlord tenant relationship* between the parties, he had a *bona fide requirement* for his dependent family members i.e. unmarried son Varun Gupta and unmarried

¹ hereinafter ‘*respondent*’

² hereinafter ‘*the Act*’

³ hereinafter ‘*petitioner*’

⁴ hereinafter ‘*tenanted premises*’

⁵ hereinafter ‘*subject premises*’

⁶ hereinafter ‘*learned ARC*’



daughter Parul Gupta, as they had no other reasonable suitable *alternative accommodation* for their residence. It was also the case of the respondent that the petitioner was not residing at the tenanted premises.

2. Upon being served, the petitioner filed an application for leave to defend under *Section 25B(4)* of the Act. Refuting the case of the respondent, she primarily urged that there was no *bona fide requirement* of the tenanted premises by the respondent since his family members were well settled and also working in an MNC in Gurugram, Haryana and have sufficient accommodation in the form of a 300 sq. meter bungalow situated at M-10/44, DLF City, Phase II, Gurugram-122 002. In any event, it was the case of the petitioner that the tenanted premises was in a slum area with narrow streets, and were not suitable to live for the respondent and/ or his family members. As per petitioner, the respondent had *alternative accommodation* in the form of a property being no.3085-86, Gali Mahajani, Bazar Sita Ram, Delhi-110 006. It was also the case of the petitioner that the very same respondent had simultaneously filed 10-11 different cases *qua* premises within the very same subject premises for the same *bona fide requirement* without an explanation as to how much area is required by him and as such the sole purpose of the respondent was to evict the petitioner and sell the said property. However, there was no denial on behalf of the petitioner of the fact that she was not residing at the tenanted premises.

3. In response thereto, the respondent reiterated his *bona fide requirement* of the tenanted premises and admitted that since the subject premises is occupied by various tenants, the respondent is but constrained to file multiple cases. Besides, as per the respondent since the subject



premises was his ancestral property, there was a *bona fide requirement* thereof by his family members for residence. It was further his case that the respondent was not the owner of the *alternative accommodation* being no.3085-86, Gali Mahajani, Bazar Sita Ram, Delhi-110 006 since it had been sold by virtue of a Sale Deed.

4. After considering the above, as also hearing the arguments advanced on behalf of the parties, the learned ARC identified *three conditions* under *Section 14(1)(e)* of the Act, viz. was there a *landlord tenant relationship* between the parties, was there a *bona fide requirement* of the tenanted premises by the respondent and was there an availability of a suitable *alternative accommodation* with the respondent. Deciding each of the above contentions in favour of the respondent, the learned ARC dismissed the application for leave to defend of the petitioner *vide* order dated 09.04.2025⁷.

5. Aggrieved thereby, the petitioner has preferred the present revision petition under *Section 25B(8)* of the Act seeking setting aside of the impugned order passed by the learned ARC.

6. This Court has heard the submission of Mr. Vishwendra Verma as also gone through the relevant records.

7. This Court finds that notice is yet to be issued in the present petition and as per order dated 10.07.2025, the sole aspect on which Mr. Vishwendra Verma had sought time to argue was regarding the maintainability of the eviction petition filed by the respondent before the learned ARC *qua* the tenanted premises without seeking permission from

⁷ hereinafter '*impugned order*'



the Competent Authority under the Slum Areas (Improvement and Clearance) Act, 1956⁸, since it fell within a notified ‘*slum area*’.

8. *Qua* the aforesaid, Mr. Vishwendra Verma simply submits that the said eviction petition was not maintainable since the same was filed without seeking any permission of any kind at any stage from the Competent Authority under the Slum Act. However, on the contrary, it is a settled position of law that the Slum Act is not applicable to a proceeding like the present i.e. under *Section 14(1)(e)* of the Act. For ease of reference, reliance is placed upon *Shafait Ali vs Shiva Mai*⁹ wherein the Hon’ble Supreme Court has held as under:-

“... ...3. This Court further held that in view of the procedure in Chapter III-A of the Rent Act, the Slum Act is rendered inapplicable to the extent of inconsistency and it is not, therefore, necessary for the landlord to obtain permission of the Competent Authority under Section 19(1)(a) of the Slum Act before instituting a suit for eviction and coming within Section 14(1)(e) or 14-A of the Rent Act.”

9. The same view has also been repeatedly reiterated in *Santosh Bhutani v. Savitri Devi*¹⁰ and *Geeta Press v. Madhu Rastogi*¹¹. In fact, the learned ARC has also held in the impugned order as under:-

“... ...11) Thirdly, it is contended that the petition is bad since the permission of the competent authority has not been taken. However, the said contention is misplaced. The present petition has been filed for bonafide need under section 14(1)(e) read with Section 25B of the DRC Act. Hon'ble Apex court in has held that in view of the procedure in Chapter III A of the Rent Act, the Slum Act is rendered inapplicable to the extent of inconsistency and it is not, therefore, necessary for the landlord to obtain permission of the Competent Authority under Section 19(1)(a) of the Slum Act

⁸ hereinafter ‘*Slum Act*’

⁹ 1988 AIR SC 214

¹⁰ 2023 SCC OnLine Del 5661

¹¹ 2021 SCC OnLine Del 4171



before instituting a suit for eviction and coming within Section 14(1)(e) of the Rent Act. Therefore, the said contention is devoid of merits.”.

10. Therefore, there is no merit in the submission of Mr. Vishwendra Verma. As such, it is held that the eviction proceeding being RC/ ARC No.270/2023, as filed by the respondent before the learned ARC wherein the impugned order has been passed was very much maintainable in law.

11. Although, Mr. Vishwendra Verma has not put forth any submissions *qua* any other aspects /grounds, however, since this Court is dealing with the disposal of the present petition, it is deemed fit, appropriate and proper to deal with the contentions raised in the present petition.

12. Since there is no dispute about the existence of the *landlord tenant relationship* between the parties, the same stands admitted. Thus, the same being established, needs no further finding by this Court.

13. The contention that the tenanted premises is only a 25 sq. yard property consisting of one room, kitchen, a very small open portion in the front and without any provision for a separate washroom/ latrine, and is situated on a very narrow street in a slum area as also the respondent and/ or his family members, who are presently residing in a palatial bungalow admeasuring 300 sq. meter situated at M-10/44, DLF City, Phase II, Gurugram-122 002, can and/ or will never actually come to reside in the tenanted premises, on the first blush sounds worthy, however, considering that the respondent is looking for a residential accommodation for his two unmarried children in the precincts of Delhi and they all are presently residing in Gurgaon, the same are not sufficient reasons for denying the



claim of the respondent for the tenanted premises.

14. In any event, as per the settled position of law, it is for the respondent as a landlord to make a choice as per his and/ or family needs and requirements, to which the petitioner as the tenant, much less, this Court can put a condition. Thus, it is immaterial, if the respondent was/ is the owner of another property being no.3085-86, Gali Mahajani, Bazar Sita Ram, Delhi-110 006, or that it is lying vacant. The petitioner cannot be allowed/ asked to dictate the terms regarding suitability and/ or convenience and/ or choice of the need, much less adequacy thereof, which have to be left for determination by a landlord like the respondent [*Anil Bajaj v. Vinod Ahuja*¹²; *Prativa Devi (Smt.) v. T.V. Krishnan*¹³ and *Sarla Ahuja v. United India Insurance Co. Ltd*¹⁴].

15. Furthermore, merely having an alternate accommodation, which according to the respondent was not in itself reasonable/ suitable/ proper/ befitting/ sufficing for the purpose for which he actually required it, cannot be a sufficient ground for allowing the contention of the petitioner that there was an alternative accommodation available with the respondent. More so, when there was no alternative accommodation of that kind available as per his needs and demands [*Kanahaiya Lal Arya v. Md. Ehshan & Ors.*¹⁵].

16. Interestingly, there is no denial by the petitioner to the fact that the petitioner was not residing at the tenanted premises, which, is also one of the relevant factors for consideration at the time of adjudicating the

¹² (2014) 15 SCC 610

¹³ (1996) 5 SCC 353

¹⁴ (1998) 8 SCC 119

¹⁵ MANU/SC/0264/2025



application for leave to defend.

17. Similarly, merely because the respondent had initiated various proceedings of the similar nature *qua* different premises against numerous tenants like the petitioner, carries no weight, more so, since it was a bald, unclear, ambiguous and unsubstantiated statement made off the cuff. The same is relevant as it was the duty of the petitioner as a tenant to have firmly backed his contentions with worthy substance of merit, especially at the stage when the learned ARC was considering his application for leave to defend. It is trite law that raising baseless pleas and merely making averments cannot be reasons for granting a leave to defend to a tenant like the petitioner [*Abid-Ul-Islam v. Inder Sain Dua*¹⁶ and *Anil Bajaj & Anr. v. Vinod Ahuja*¹⁷]. Having not done so, the same could not be taken into account for any purpose. In fact, filing of the eviction proceeding by the respondent reflects that he was indeed looking to set his unmarried children within the precincts of Delhi, for which he was wanting the subject premises.

18. In view of the aforesaid, this Court is in agreement with the findings rendered by the learned ARC who has dismissed the application for leave to defend of the petitioner as no triable issues were raised therein *qua* any of the aspects sought to be agitated by the petitioner before the learned ARC.

19. As such, there is reason for this Court to set aside the impugned order passed by the learned ARC, that too in a revision petition under *Section 25B(8)* of the Act, wherein this Court is only sitting in a

¹⁶ (2022) 6 SCC 30

¹⁷ (2014) 15 SCC 610



revisionary jurisdiction. There is no scope for interference in the impugned order, especially since all the issues raised by the parties have been correctly assessed and adjudicated on merits and in sufficient details by the learned ARC, and further since there is no error apparent on the face of records or in law or there is nothing perverse or irregular [*Sarla Ahuja (supra)* and *Abid-Ul-Islam (supra)*].

20. Accordingly, since there is no infirmity in the conclusion arrived at by the learned ARC, the present petition alongwith the pending applications, being devoid of any merits, is dismissed with no order as to costs.

21. The impugned order of eviction dated 09.04.2025 passed by the learned ARC in RC/ ARC No.270/2023 titled “*Shri Suresh Kumar Gupta vs. Smt. Santosh Devi*” in favour of the respondent and against the petitioner is, thus, affirmed. As such, the respondent shall be free to seek execution of the impugned eviction order in terms of Section 14(7) of the Act i.e. after the expiry of the period of six months from the passing of the order dated 09.04.2025 by the learned ARC.

SAURABH BANERJEE, J.

SEPTEMBER 10, 2025

Ab