



2025:DHC:8987



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: September 25, 2025

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Pronounced on: October 10, 2025

+ RC.REV. 196/2024 & CM APPL. 41349/2024-Stay

KOMAL GARG (SINCE DECEASED) THROUGH HER LRS.

.....Petitioners

Through: Mr. O.P. Gupta, Advocate (Through
VC)

Versus

MOHIT ARORA & ORS.

.....Respondents

Through: Mr. Pradeep Sharma with Mr. Rakesh
Kumar, Advocates

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. The respondent no.1/ landlord¹ filed an eviction petition being RC ARC No.737/2019 titled as '*Mohit Arora vs. Komal Garg & Ors.*' under Section 14(1)(e) of the Delhi Rent Control Act, 1958² against the petitioners and respondent nos.2 to 4/ tenants³ seeking eviction of one room situated at the first floor of property bearing private number 32-B First Floor, 165 to 166 and 203 to 232, Om Bhawan, Corporation Building, Fatehpuri, Chandni

¹ hereinafter '*landlord*'

² hereinafter '*the Act*'

³ hereinafter '*tenants*'



Chowk, Delhi-110 006 in Ward No.II, admeasuring 25.08 sq. meter of 18'x15'⁴ before the then learned Additional Rent Controller, Tis Hazari Courts, Delhi⁵, on the ground that the same was required for his own *bona fide* need of storing equipment/ tools as also since the same was situated closer to where the landlords were presently working.

2. Briefly put, it was the case of the landlord that after the demise of his father, he became the owner of the subject premises, which is affirmed by the Sale Deed dated 25.03.2008. The subject property was let out to the mother of the tenants, Ms. Kailash Devi for residential purposes and after her death the tenancy had devolved to the tenants herein. However, the tenants had shifted to Shahdara and the subject premises was lying locked. It was further stated that the landlord is running a business of sale/ resale of battery as well as repair of all electrical appliances and since the landlord is facing a space crunch, the subject premises are required for his *bona fide* requirement of keeping his equipment/ tools as well as other articles as also since the subject premises was situated closer to his present place of work.

3. Upon being served, all the tenants jointly filed an application under *Section 25B(4)* of the Act seeking leave to defend. It was primarily their case therein that the landlord was not the owner of the subject premises and the tenants had not been attorned. Rather, one M/s. Om Oil & Oil Seeds Exchange Ltd. was the owner of the subject premises who inducted the mother of the tenants as the tenant. In any event, the Sale Deed dated

⁴ hereinafter '*subject premises*'

⁵ hereinafter '*learned ARC*'



25.03.2008 was under challenge in a suit bearing no. CS(OS) 3164/2014 instituted by the said M/s. Om Oil & Oil Seeds Exchange Ltd., albeit, qua a different property. There was no resolution passed in favour of the Chairman Shri Kailash Nath. The eviction petition was bad for non-joinder of parties as Late Shri. Rajinder Prasad and his other legal heirs who were named in the Sale Deed dated 25.03.2008 were not impleaded in the eviction petition. The landlord had concealed that he was the owner of multiple (*twenty four*) properties in Chandni Chowk area besides inheriting various properties from his late father. The landlord was only interested in getting a higher rent from the subject premises. Between 2017 to 2019, the landlord had not only let out various properties but the landlord had also purchased several properties in the name of his wife Smt. Preeti Arora in and around Chandni Chowk area, which were also not specified in the eviction petition.

4. In response thereto, it was the case of the landlord that after the demise of his father, he became the sole/ absolute owner of the subject premises as there were no other legal heirs barring him, which is affirmed by the Sale Deed dated 25.03.2008. Also, the suit CS(OS) 3164/2014 instituted by M/s. Om Oil & Oil Seeds Exchange Ltd. already stood withdrawn. Of the other properties referred by the tenants, in addition to the subject premises, the landlord was the owner of three of them and the other properties were in the name of his wife, who was a self-employed lady.

5. Based on the above, as also after hearing the arguments advanced by both sides, the learned ARC dismissed the application for leave to defend of the tenants and consequently eviction order was passed *vide* order dated



08.01.2023⁶.

6. Hence the present revision petition seeking setting aside of the impugned order dated 08.01.2023 passed by the learned ARC.

7. On the very first day of listing of the present petition on 27.07.2024, this Court had recorded the following submissions advanced by the learned counsel for the tenants:-

“... ..7. The counsel for the petitioner stated that the petitioner, in application for grant of leave to defend along with affidavit, has mentioned that the respondent no. 1 is having more than 20 properties as alternative accommodation but the said fact was not properly dealt with by the trial court while passing the impugned order dated 08.01.2024.....”

8. Subsequent thereto, on 14.01.2025, this Court made certain observations qua the issues raised in the impugned order and recorded as under:-

“5. The perusal of the Impugned Order shows that the landlord-tenant relationship and ownership of the subject premises is not under challenge. Respondent No.1 is the son of the original owner of the subject premises and a sale deed in support of ownership was also filed before the learned Trial Court. The challenge raised on this aspect by the Petitioners was repelled by the learned Trial Court, and this Court does not find any infirmity with the same.

6. On the aspect of bonafide need and alternate suitable accommodation, the need as projected by Respondent No.1 is for his personal business for sale and resale of batteries and repair of electronic goods. There is no challenge to that

⁶ hereinafter ‘*impugned order*’



aspect in the Impugned Order by the Petitioners as well.

7. The challenge in the Leave to Defend/ Contest Application filed by the Petitioners is to the availability of alternate properties which are stated to be available with Respondent No.1, including the properties of his wife. The Impugned Order also shows that each of the properties that are mentioned in the Leave to Defend/Contest Application filed by the Petitioners have been dealt with by the learned Trial Court.”

9. Regarding *alternative accommodation* available with the landlord, Mr. O.P. Gupta, learned counsel for the tenants submitted that the learned ARC, though has referred to the dicta of the Hon'ble Supreme Court in ***Precision Steel Engineering Works and Another vs. Prem Deva Niranjana Deva Tayal***⁷, but not appreciated it correctly. He submitted that the landlord was the owner of about *twenty four* properties in and around the same building in Chandni Chowk and that between the years 2017 to 2019, the landlord had got vacant possession of several properties, as also sold and bought properties as well.

10. *Per Contra*, Mr. Pradeep Sharma, learned counsel for the landlord submitted that the tenants failed to substantiate their assertion that the landlord was the owner of about *twenty four* properties. Even otherwise, there is no suitable *alternative accommodation* available with him as he only owned *three* other properties. Of them, one was under the tenancy of another tenant qua which the litigation was pending, another property was under the tenancy of one Mohit and the third property was in an inhabitable condition

⁷ AIR 1982 SC 1518



and was on the third floor. He submitted that the landlord was also facing a space crunch and was looking for a suitable place for keeping his equipment/tools and the subject premises was situated closer to his present place of work.

11. Lastly, he submitted that as per the settled position of law, the degree of interference by the revisionary court is to be exercised sparingly and only under exceptional circumstances under *Section 25B* of the Act.

12. This Court has heard the learned counsel for the parties as also has gone through the documents as well as the judgments cited at the Bar.

13. This Court, on 14.01.2025, has already recorded that there is no challenge to the aspect of an existing *landlord tenant relationship* between the parties as also *bona fide requirement* of the landlord for the subject premises. There is no dispute *qua* that today as well. As such, this Court need not, thus, to go into either of the two aspects. Even otherwise, this Court is agreeable with the findings rendered by the learned ARC *qua* the said issues in the impugned order. Thus, the same need no interference.

14. Coming to the aspect of availability of *alternative accommodation* with the landlord, this Court has to view the same through the eyes of a revisionary Court while dealing with the present revision petition under *Section 25B* of the Act.

15. As held in *Charan Dass Duggal v. Brahma Nand*⁸ and *Deena Nath v. Pooran Lal*⁹, the tenants in the present case were required to raise a tenable

⁸ (1983) 1 SCC 301

⁹ (2001) 5 SCC 705



issue worthy of credence lending weight to their assertions, and which could have disentitled the landlord herein from seeking recovery of possession of the subject premises from them. The same was to be a *triable issue*, and which had to be backed with precision and/ or duly supported by requisite document(s)/ proof(s) therewith with prudence, and which were supposed to be more than just averments and neither a work of fiction nor arising out of their imagination. The assertions ought to have been such that they appealed to the conscience of the learned ARC for enabling him to allow their application seeking leave to defend. At the end of the day, the learned ARC had to test the veracity of the *triable issue* raised by the tenants. The question is whether the tenants were able to cross the said hurdle of raising any *triable issue* before the learned ARC.

16. Since the aspect of *alternative accommodation* with the landlord is directly proportional with the aspect of the landlord having a *bona fide requirement* of the subject premises, it is worthy of noting that there was a complete silence *qua* the said aspect of the landlord having a *bona fide requirement* of the subject premises in the application for leave to defend filed by the tenants before the learned ARC. Moreover, it has always been the case of the landlord that he was facing a space crunch and was looking for a suitable place of business for keeping his equipment/ tools as well as other articles and as the subject premises was situated closer to his present place of work. These, in the opinion of this Court, were/ are sufficient plausible reasons for the landlord to file petition for eviction of the tenants from the subject premises.



17. Interestingly, though the tenants made averments *qua* the landlord having other suitable *alternative accommodation* in their application for leave to defend, alas! they were bald, vague and unsubstantiated assertions as they were bereft of any particulars and/ or any Site Plan. Thus, being bereft of any material particulars, in view of the dicta in ***Baldev Singh Bajwa v. Monish Saini***¹⁰, they carried no weight. The tenants were unable to stand on their own legs. Further, the landlord himself divulged that other than the subject premises, he owned *three* other properties, *first* property was already under tenancy of another tenant; *second* property was not only on the third floor but was in an inhabitable condition; and *third* property was *qua* which similar eviction petition was also pending against another tenant. Thus, since these premises were not a possible solution for his requirement, the landlord did not have any *alternative accommodation* other than the subject premises.

18. Furthermore, as held in ***Ragavendra Kumar v. Prem Machinery & Co.***¹¹, ***Balwant Singh v. Sudarshan Kumar***¹² and ***Kanhaiya Lal Arya v. Md. Ehsan & Ors.***¹³, the option of selecting a suitable/ appropriate/ satisfactory *alternate accommodation* of his choice is solely in the discretion of the landlord, and not the tenants. The landlord is the best judge to adjudge his means and necessity and is/ was only required to show that the requirement for the tenanted premises was genuine and sincere and not whimsical, imaginary and/ or fanciful.

¹⁰ (2005) 12 SCC 778

¹¹ (2000) 1 SCC 679

¹² (2021) 15 SCC 75

¹³ 2025 SCC OnLine SC 432



19. Even otherwise, as held in *Shiv Sarup Gupta v. Dr. Mahesh Chand Gupta*¹⁴; *Viran Wali v. Kuldeep Rai Kochhar*¹⁵ and *Kanhaiya Lal Arya (supra)*, mere availability of other alternate accommodation is itself not the decisive factor for denial of eviction proceedings by the landlord, more so, since there are various factors like the size, location, access, purpose, viability, safety concerns, footfall, and/ or like, amongst others which have/ are to be taken into consideration while dealing with the aspect of availability of alternate suitable accommodation.

20. Having stated the settled position of law, this Court is in complete agreement with the findings recorded by the learned ARC, who, while dealing with the issue of availability of suitable *alternative accommodation*, has *inter alia* held as under:-

“... ...17. As far as bona fide need of the petitioner is concerned, it has been stated that the petitioner is running his business in the name of M/s Arora Electrical Co. for sale/resale of battery as well as repair of all electrical appliances having size 10' x 10' and also having 2-3 labours who are working under him. From the size of the said premises, it is amply clear that it is small. There is nothing on record that the petitioner has any other suitable place of business, where he can keep his equipments/tools as well as other articles. Moreover, the tenanted premises is situated nearby the present working place of the petitioner and thus, the bonafide requirement for running the business by the petitioner can not be doubted. In this regard, reliance can be placed on case titled as *Balwant P. Doshi Vs Shantaben Dhirailal Shah &Anr 2003 (2) Born*

¹⁴ (1999) 6 SCC 222

¹⁵ (2010) 174 DLT 328



CR 190, wherein the coordinate bench has held that the Courts cannot ordinarily doubt the bonafide need of the landlord nor the Courts can dictate to the landlord as to how the premise owned by him should be used. It is sufficient for the landlord to express his desire to occupy the premises owned by him. It is not necessary for the landlord to establish the dire necessity but it is enough to show that some need exists.

18. It has been next argued that the petitioner is having various other properties in his name and that of his wife but there is nothing on record to prove the same. No counter site plan has been brought on record by the respondents to show any vacant portions, if any in the said alleged properties. Mere vague pleas has been raised by the respondents in this regard. Merely mentioning the details of the properties is not sufficient. It was required to be stated by the respondent that said properties despite availability is not occupied by the petitioner. On the contrary, the petitioner has given detail of three properties in his ownership other than the subject property. One property is under the tenancy of tenant namely Shyam Lal and the case is pending against the said property and the said facts are not disputed. Another property is in the occupation of another tenant namely Mohit. Hence, the said properties are not available being tenanted. Then there is another property which has been detailed by the petitioner as Mustail no. Tin Shade No. 2/3 and 2A/3, property no. 11/165 to 156 and 203/232, Coronation Hotel Building, third floor, Chandni Chowk. It has been stated that it is in inhabitable condition on third floor. Even if for the sake of argument it is assumed that the said third floor is available, the petitioner requires the tenanted premises for storing his articles and the same being on third floor is not only inconvenient but unsuitable from every corner



hence, the said property cannot be treated as sufficient and alternate accommodation. Hence, there is no triable issue regarding the same.

19. Moreover, the properties in the name of his wife can not be treated as being owned or available to the petitioner in the absence of any details pertaining to the same. Besides making self-serving assertions in the application for leave to defend, no credible material which can be believed by the Court has come on record for the Court to even have a prima facie opinion that the petitioner has alternative suitable accommodation. If such oral assertions are believed and on its basis, leave to defend is granted, in all cases, the respondents will be successful in obtaining leave to defend the case by merely alleging that the landlord has other properties available. No material has been placed on record by the respondents to establish that the petitioner has alternative suitable accommodations available for use by the petitioner.

<i>x</i>	<i>x</i>	<i>x</i>
<i>x</i>	<i>x</i>	<i>x</i>

25. Hence, the contention of the respondents that the petitioner has concealed material facts and properties and has not come to the court with clean hands totally fails in the absence of any material in this regard. It was next averred on behalf of the respondents that wrong dimension of the tenanted premises has been mentioned in the site plan. Meaning thereby that the respondents do not seem to controvert the remaining site plan. Hence, even if for the sake of arguments, it is assumed that the dimensions of the tenanted shop as stated by petitioner is incorrect, the same will not come to the rescue of the respondents as the petitioner needs the tenanted premises for storage purposes



and hence, the size thereof will have much bearing if the need of the petitioner is satisfied there from.”

21. Lastly, as held in *Sarla Ahuja vs. Union India Insurance Company Ltd.*¹⁶; *Abid-Ul-Islam vs. Inder Sain Dua*¹⁷ and *Kuldeep Singh vs. Sanjay Aggarwal*¹⁸, it is no more *res-integra* that in a revision petition under Section 25B(8) of the DRC Act, the challenge by a tenant for setting aside the impugned judgment alike is only possible under exceptional circumstances like there exists 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.

22. The assertion *qua* the applicability of *Precision Steel Engineering Works and Another (supra)* being wrong, needs no adjudication.

23. In view of the aforesaid, since the tenants have been unable to raise any grounds for interference by this Court, the impugned order dated 08.01.2023 passed by the learned ARC is upheld.

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

25. As such, the tenants are directed to handover vacant and peaceful possession of one room situated at the first floor of property bearing *private number 32-B First Floor, 165 to 166 and 203 to 232, Om Bhawan, Corporation Building, Fatehpuri, Chandni Chowk, Delhi-110006 in Ward*

¹⁶ (1998) 8 SCC 119

¹⁷ (2022) 6 SCC 30

¹⁸ MANU/DE/1513/2018



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No.II, admeasuring 25.08 sq. meter of 18'x15', to the landlord with immediate effect, particularly, since the benefit of *six-months* period as per *Section 14(7)* of the DRC Act has already lapsed.

SAURABH BANERJEE, J.

OCTOBER 10, 2025/NA/DA