



2025:DHC:9010



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

Reserved on: September 18, 2025

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Pronounced on: October 10, 2025

+ **RC.REV. 242/2024 & CM APPL. 72926/2024-Stay**

SH TEK CHAND (DECEASED) THROUGH HIS LRS

.....Petitioners

Through: Mr. Ajay Kohli and Ms. Dipika Prasad, Advocates

Versus

SMT MEENAKSHI GUPTA & ANR.

.....Respondents

Through: Mr. Arvind Kumar Gupta, Mr. C. Prakash and Mr. Ishan Parashar Advocate.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. The respondent/ landlady¹ filed an eviction petition under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958² seeking eviction of the ground floor of property bearing no.2902, Kinari Bazar, Delhi-110 006³ since she required the same for the purpose of opening her own independent boutique. In the same eviction petition, the landlady also made a disclosure *qua* the

¹ Hereinafter '*landlady*'

² Hereinafter '*the Act*'

³ Hereinafter '*subject premises*'



adjacent premises bearing no.2903⁴ owned by her, to the effect that the same was earlier a staircase which, due to the compelling requirements of her son to start his independent business, was demolished and converted into a shop, and her son since continued to be in possession thereof till date.

2. In response thereto, while admitting the landlord-tenant relationship between the parties, the petitioner/ tenant⁵ filed an application under *Section 25B* of the Act seeking leave to defend on the ground that the requirement urged by the landlady was not *bona fide*, but a concocted story/ pretense, with the sole intent of re-letting the same at exorbitant rates. The tenant further averred that the landlady had attempted to urge an artificial sense of scarcity, and the adjacent premises disclosed in the eviction petition was in fact not being used by her son, and had actually been previously let out to one Sh. Alok, who was evicted therefrom about a year before filing of the eviction petition, and the same was re-let some months later to one Sh. Vijay Kumar for a higher monthly rent of Rs.20,000/-. The tenant further sought to rely upon several other properties in different localities of Delhi where the same method of eviction and re-letting had been employed by the landlady.

3. In rebuttal, it was the case of the landlady that though the adjacent premises was let out to Sh. Vijay Kumar for a brief period, the same was now under the occupation of her son. Further, and in any event, even as per the case of the tenant, the adjacent premises was not available to her at the time of filing of the eviction petition, and so, the same ought to be allowed.

⁴ Hereinafter '*adjacent premises*'

⁵ Hereinafter '*tenant*'



4. After hearing both the sides, the learned Additional Rent Controller, Tis Hazari Courts, Delhi⁶ passed order dated 21.01.2020 granting leave to defend, by observing as under:

“7. The respondent had argued about availability of alternate shop i.e. no 2903. The petitioner had stated that the said shop was given on rent to Vijay Kumar at the end of 2017 for some time, thereafter the same was vacated by him and the same was occupied by son of the petitioner from where he is carrying on the business of Honey Lace Crafts. The GST registration of Honey Lace Crafts is dated 6.7.2015. Photocopy of the rent receipt of Vijay Kumar of Rs 20000 per month has also been placed on record and the same is pertaining to 2017. Furthermore, the respondent had also placed on record invoice bill of Vijay Kumar pertaining to 2018. Thus, the respondent had raised triable issue, i.e. whether the need of the petitioner is bonafide and whether the petitioner has shop number 2903 at her disposal and she had leased it to a third person for higher rent. Respondent is thus granted leave to defend.”

(Emphasis supplied)

5. Pursuant thereto, the tenant filed his written statement, the landlady filed her rejoinder, and both parties led their respective evidence, examining themselves as witnesses. After trial, the learned ARC passed an order of eviction of the tenant from the subject premises on 07.05.2024⁷.

6. Hence, the tenant seeks setting aside of the said impugned judgment.

7. Before this Court, it is primarily the case of the tenant that the impugned order has been passed without a legal basis and is liable to be set aside for being perverse and wholly unreasonable. The same, as per the case of the tenant, is evident inasmuch as the learned ARC, after stating the facts of the eviction petition, has straightaway rendered the findings, without any reference to, or consideration of, the actual defense led by the tenant pursuant

⁶ Hereinafter ‘*learned ARC*’

⁷ Hereinafter ‘*impugned judgment*’



to grant of leave to defend. In fact, as per the tenant, the impugned order is based on generalizations and assumptions, and is *de hors* material pleadings taken and evidence adduced by the tenant.

8. In furtherance of the above, Mr. Ajay Kohli, learned counsel for the tenant, submitted that the learned ARC could not have arrived at the view that the aspect of *bona fide* requirement was sufficiently made out by the landlady, particularly since the tenant was able to establish that there were concocted stories/ falsehoods/ concealments in the eviction petition. To that effect, Mr. Ajay Kohli, learned counsel submitted that insofar as it was stated in the eviction petition that the adjacent premises was a staircase demolished by the landlady to accommodate her son, and which continued to be in his possession thereafter, the tenant was able to controvert the same by showing that it was in fact let out, and re-let out about nine months prior to the filing of the eviction petition to Sh. Vijay Kumar.

9. To substantiate his submission, Mr. Ajay Kohli, learned counsel drew the attention of this Court to certain documents exhibited before the learned ARC, being the rent receipts dated 01.10.2017 issued by the landlady to Sh. Vijay Kumar *qua* the adjacent premises [*Ex PW1/R1*], as well as the Tax Invoice issued by Sh. Vijay Kumar on account of purchase made from “Om Shree Balaji Handicrafts” from the adjacent premises dated 29.06.2018, i.e. after the date of filing of the eviction petition on 01.05.2018 [*Ex DW1/2*]. The above, as per Mr. Ajay Kohli, learned counsel have not been considered by the learned ARC while passing the impugned judgment.



10. Mr. Ajay Kohli, learned counsel then drew the attention of this Court to the cross-examination of the landlady [**PW I**] which, as per him, was replete with rampant contradictions, insofar as the landlady stated that the adjacent premises was never let out, whereas in the replication, she had admitted to the recent letting out of the adjacent premises, as well as later in the very same cross-examination, admitted her signatures on two cash memos dated 01.07.2017 and 01.08.2017 issued by her to Sh. Vijay Kumar [**Ex PW1/R1** and **Ex PW1/R2**]. Further, though she stated during cross-examination that she could trace and produce the bill books with the relevant rent records, despite service of notice dated 15.02.2023 under *Order XXII rule 8* of the Code of Civil Procedure, 1908⁸ upon her by the tenant [**Ex DH1/12**], the said books were never produced by her. In fact, the landlady even stated in the same cross-examination that she cannot state whether her son is actually in possession of the adjacent premises as claimed by her in the eviction petition. The aforesaid too, as per Mr. Ajay Kohli, learned counsel have not been considered in the impugned judgment.

11. Based on the above, Mr. Ajay Kohli, learned counsel submitted that the conduct of the landlady being ripe with blatant and brazen falsehood, first to conceal the recent letting out of the adjacent premises and then to contradict her previously taken stance, the eviction petition filed by her was *mala fide*, and the case pleaded by her was one of artificial scarcity, was directly contrary to the criteria of natural, pure, real and sincere requirement

⁸ Hereinafter '**CPC**'



without any fraud or deceit as held by the Hon'ble Supreme Court in the case of *Shiv Sarup Gupta v. Dr. Mahesh Chand Gupta*⁹.

12. Despite the leave to defend having been granted *qua* the aspect of *bona fide* requirement in light of inconsistencies in the landlady's pleas, as also despite the aforesaid materials and contentions of the tenant before the learned ARC, as per Mr. Ajay Kohli, learned counsel, the impugned judgment has been passed based on sheer presumptions, and the burden of proof *qua bona fide* requirement has erroneously been shifted on the tenant instead of the landlady. This, as per Mr. Ajay Kohli, learned counsel, is wholly contrary to the settled position of law that under *Section 14(1)(e)* of the Act, a landlord must prove the genuineness of his requirement. Mr. Ajay Kohli, learned counsel placed reliance upon the decisions of the Hon'ble Supreme Court in *Sarvate T. B. v. Nemichand*¹⁰, *Mattulal v. Radhe Lal*¹¹ and *Shiv Sarup Gupta (supra)*.

13. Mr. Ajay Kohli, learned counsel then submitted that the learned ARC, while concluding in favour of the landlady, has in a precursory way observed that the recent letting out of the adjacent premises is a "*single instance*" and since the landlady has not "*let out so many properties*", as also since the requirement of the landlady could have arisen after the letting out of the adjacent premises, the objection to *bona fide* requirement is liable to be rejected. Mr. Ajay Kohli, learned counsel lastly submitted that the same is an arbitrary finding beyond the pleadings taken by the landlady herself, since

⁹ (1999) 6 SCC 222

¹⁰ 1966 MP LJ 26 (S.C.)

¹¹ (1974) 2 SCC 365



she did not plead any subsequent need after the recent letting out, and in fact concealed, denied and took contradictory stances *qua* the recent “*single instance*” of letting out itself, and when the sum and substance of the case of the tenant before the learned ARC was *qua* the falsehood perpetrated by the landlady in the eviction petition, such findings rendered by the learned ARC are not sustainable. Based on all the aforesaid, Mr. Ajay Kohli, learned counsel submitted that the impugned judgment is liable to be set aside.

14. *Per contra*, Mr. Arvind Kumar Gupta, learned counsel for the landlady supported the impugned judgment and submitted that the same has correctly adjudicated the three requisite conditions attached to an eviction petition under *Section 14(1)(e)* of the Act, and no case for interference therein by this Court has been made out by the tenant. Mr. Arvind Kumar Gupta, learned counsel further submitted that since the landlord-tenant relationship had already been admitted by the tenant, and thereafter, the *bona fide* requirement of the landlady to open her own independent boutique as well as the unavailability of any other suitable alternative accommodation for the landlady to carry out the same have also been decided in favour of the landlady after consideration of evidence by the learned ARC. Relying upon the view expressed by this Court in *Education Department & Anr. vs. Asiya Jamil*¹² and *Rajender Kumar Pahuja vs. Anup Narain Gaur*¹³, Mr. Arvind Kumar Gupta, learned counsel submitted that the scope of interference by this Court in revisional jurisdiction is limited, and does not amount to that in

¹² 2025:DHC:7396

¹³ 2025:DHC:7617



an appeal, which has been specifically barred by the Act, and thus the reasoned view taken by the learned ARC must be upheld.

15. On the so-called *mala fide* on part of the landlady, especially *qua* the letting out of the adjacent premises, Mr. Arvind Kumar Gupta, learned counsel submitted that there were no concocted stories/ falsehoods/ concealments made by the her in the eviction petition, since at the time of filing of the same, the adjacent premises was not available to her, inasmuch as even as per the own case of the tenant, the adjacent premises was stated to be in the occupation of Sh. Vijay Kumar. Thus, the same could not come in the way of the landlady seeking the relief under *Section 14(1)(e)* of the Act.

16. Mr. Arvind Kumar Gupta, learned counsel further relied upon the decisions of this Court, in *H.S. Bajaj and Another vs. Satish Chopra*¹⁴ and *Rishak Singh vs. Bohat Ram & Ors.*¹⁵ to submit that the *bona fide* requirement must be judged at the time of filing of the eviction petition, and the said *bona fide* requirement can even arise subsequently after the letting out of other premises, and thus, the letting out of the adjacent premises nine months prior to filing of the eviction petition could not detract from the *bona fide* requirement of the landlady.

17. In any event, placing reliance on the dicta of the Hon'ble Supreme Court in *Kanhaiya Lal Arya vs. Mohd. Ehsan & Ors.*¹⁶, Mr. Arvind Kumar Gupta, learned counsel lastly submitted that it is the prerogative of a landlord to decide which premises best suits his requirement and shall be vacated, and

¹⁴ 2023 SCC OnLine Del 3886

¹⁵ 2014 SCC OnLine Del 3694

¹⁶ 2025 SCC OnLine 432



thus the tenant herein cannot be allowed to dictate which of the various accommodations of the landlady should she seek to get vacated from her other tenants.

18. In rejoinder, Mr. Ajay Kohli, learned counsel for the tenant, reiterated that the present is not a case of the tenant asserting the availability of a suitable alternative accommodation, or even taking objection to the letting out of an alternative accommodation prior to filing of the eviction petition, but one of *mala fide* on part of the landlady in the form of demonstrably false pleas. Mr. Ajay Kohli, learned counsel once again emphasized that the landlady did not plead any subsequently arisen requirement throughout her case before the learned ARC, as she was then denying the fact of letting out of the adjacent premises and asserting that the same used to be a staircase and was demolished solely to be occupied by her son. The landlady thus, as per him, cannot be allowed to blow hot and cold now before this Court and take the said pleas of subsequently arisen requirement.

19. As the primary bone of contention *qua* the conduct of the landlady, and the genuineness of her *bona fide* requirement in light of the false pleas taken by her have not been adjudicated by weighing the evidence available before the learned ARC, Mr. Ajay Kohli, learned counsel concluded by praying that the impugned judgment, being unsustainable in law, be set aside and the matter be remanded back to the learned ARC for adjudication afresh.

20. This Court has heard Mr. Ajay Kohli, learned counsel for the tenant, and Mr. Arvind Kumar Gupta, learned counsel for the landlady, at



considerable length, as also carefully gone through the documents and pleadings on record and also the judgments cited by them at the Bar.

21. A bare perusal of the impugned judgment reveals that all throughout the learned ARC has proceeded entirely on the presumption of *bona fide* requirement on part of the landlady, as well as the genuineness and honesty thereof, placing the burden squarely on the tenant to dispute the same. Despite holding in the impugned judgment that “...*once the matter is put to trial, every fact **needs to be proved** on the basis of evidence...*”, the learned ARC has contrarily observed that “...*the Court **must presume** the bona fide requirement of the landlord...*”, and rendered his findings *qua* the same without any appreciation of the defense raised by the tenant and the evidence adduced by him, insofar as the documents exhibited as well as the detailed cross-examination have not been adverted to *in toto* while concluding that the *bone fide requirement* has been sufficiently made out by the landlady.

22. While the landlady was/ is the best judge of her needs, it is also well-settled that in order to avail the benefit under *Section 14(1)(e)* of the Act, the requirement urged by the landlady, in order to qualify as *bona fide*, must be proven to be a real requirement and not a mere wish or a fanciful desire, as also must be genuine, honest, sincere and devoid of deceit and falsehood, for which reliance has correctly been placed on the decisions of the Hon’ble Supreme Court in *Sarvate T.B. (supra)*, *Mattulal (supra)* and *Shiv Sarup (supra)* by Mr. Ajay Kohli, learned counsel for the tenant. In fact, reference may further be made to the law laid down by the Hon’ble Supreme Court in



Dattatraya Laxman Kamble vs. Abdul Rasul Moulali Kotkunde¹⁷ wherein it has been categorically held that the Act itself places the burden on the landlord to show that he has a *bona fide* requirement which can only be satisfied through the subject premises, and should the Court feel any doubt *qua* the genuineness of the same, it is for the landlord to clear all such doubts.

23. In the facts and circumstances of the present case, whence the onus was upon the landlady in light of the letting out of the adjacent premises, and there was a doubt on the *bone fide* requirement by her, especially whence the application for leave to defend of the tenant was allowed by the learned ARC *vide* order dated 21.01.2020, as also whence it was the consistent case of the tenant at every single stage until trial that the falsehood in the eviction petition negated the *bona fides* of the landlady, the glaring omission of adjudication thereon, and rendering of findings on *bona fide* requirement simply on a presumption in favour of the landlady without consideration of the material on record by the learned ARC was wholly perverse and impermissible in the considered opinion of this Court.

24. The only observation made *qua* the letting out of the adjacent premises by the learned ARC to the effect that the same is a “*single instance*” and the landlady has “*not let out so many properties*” is not sustainable, especially in view of the contention of Mr. Ajay Kohli, learned counsel for the tenant that the said finding is arbitrary and unsustainable in law, when the very same single instance of letting out and concealment thereof was in issue before the learned ARC.

¹⁷ (1999) 4 SCC 1



25. The learned ARC has further erred in going beyond the contentions raised by the parties by moving on to the realm of subsequently arisen requirement, when the moot crux for adjudication before him was the truthfulness of the eviction petition and the *bona fide* of the landlady at the time of filing of the eviction petition.

26. While it is trite, as also argued by Mr. Arvind Kumar Gupta, learned counsel for the landlady and held by this Court in *Asiya Jamil (supra)* and *Rajender Kumar Pahuja (supra)*, that this Court in revisional jurisdiction cannot assume the powers of a Court of appeal and substitute its views in place of those expressed by the learned ARC, however, it is also a settled position of law that acting in supervisory jurisdiction, it is incumbent upon this Court to test whether the impugned judgment/ order suffers from any arbitrariness, perversity, illegality, impropriety or the like. Finding manifest errors of the said nature apparent on the face of the record, it is the bounden duty of this Court to invoke its powers under revisional jurisdiction. This Court finds ample support from the five-Judge Bench decision of the Hon'ble Supreme Court in *Hindustan Petroleum Corporation Limited vs. Dilbahar Singh*¹⁸ highlighting the conditions for interference by this Court in exercise of revisional jurisdiction.

27. Thus, considering the afore-going analysis, and especially in light of non-appreciation of evidence adduced by both sides as well as misapplication of law in the impugned judgment by the learned ARC, this Court is of the view that the present is a fit case for interference in exercise of revisional

¹⁸ (2014) 9 SCC 78



jurisdiction under *Section 25B(8)* of the Act. So much so, since the root of the dispute has been circumvented by way of the impugned judgment, and material considerations have been left out while rendering findings on triable issues, the impugned judgment cannot be said to have been passed in accordance with law and allowing the same to stand would result in a gross miscarriage of justice.

28. Accordingly, the present petition is allowed and the impugned judgment dated 07.05.2024 passed by the learned ARC is set aside. The matter is remanded back to the learned ARC for fresh consideration on the aspect of *bona fide* requirement of the landlady as urged in the eviction petition filed by her, on the basis of the available material on record. In the interest of justice, the learned ARC is requested to make every endeavor for expeditious disposal of the same, latest within a period of six months from the passing of this order.

29. A copy of this order be sent to the Principal District & Sessions Judge (Central District), Tis Hazari Courts, Delhi for information and compliance.

30. The petition along with pending application, stands disposed of in the aforesaid terms.

SAURABH BANERJEE, J.

OCTOBER 10, 2025/Ab/ratna