



2025:DHC:11613



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

Reserved on: November 21, 2025

%

Pronounced on: December 19, 2025

+ **RC.REV. 395/2024**

OM PRAKASH

.....Petitioner

Through: Mr. Sumit Gaba, Adv.

Versus

DEVKI NANDAN BAJAJ

.....Respondent

Through: Mr. Amit Saxena, Mr. Santosh Kr. Sharma, Mr. Mridul Sharma, Ms. Shalini Mishra and Mr. Vasu Singhal, Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. The petitioner/ landlord¹ filed an Eviction petition being RC/ ARC 60 of 2019 against the respondent/ tenant² *qua* shop no.3 situated in plot No.166, Shyama Prasad Mukherjee Park, Tilak Nagar, New Delhi-110 018³ under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958⁴, before the learned Additional Rent Controller, West District, Tis Hazari Courts, Delhi⁵.

2. *Succinctly put*, the landlord, father of a married daughter and two unmarried daughters, in his Eviction Petition sought eviction of the tenant

¹ Hereinafter "*landlord*"

² Hereinafter "*tenant*"

³ Hereinafter "*subject premises*"

⁴ Hereinafter "*DRC Act*"

⁵ Hereinafter "*learned ARC*"



from the subject premises from a property comprising of *six shop(s)*, of which shop nos.4 and 5 were lying vacant and shop nos.1, 2 and 6 were occupied by third parties. As per landlord, he had kept shop nos.4 and 5 aside for his two unmarried daughters, who were to start their respective professions/ businesses therefrom. There was a *bona fide requirement* of the subject premises by him, as he was a retired senior citizen who intended to commence a strain-less business of grocery/ confectionery outlet from there as it was the largest shop, and as he had no other suitable *alternative accommodation* available with him. He also professed that the subject premises would be inherited by his only married daughter after his death.

3. Upon being served, the tenant filed an application seeking leave to defend under *Section 25B (4) and (5)* of the DRC Act, primarily contending that the landlord did not disclose the vocation and qualifications of his two unmarried daughters, who would carry out a business from shop nos. 4 and 5, as also that since the landlord had suitable *alternative accommodations* nearby the subject premises as also other properties at Indira Park, Near Jeewan Park, Uttam Nagar, New Delhi, there was no *bona fide requirement* of the subject premises by the landlord.

4. In response, as per landlord, the two unmarried daughters planned to start a business in accordance with their attainments in order to supplement the income of their old parents and to fulfil their own needs.

5. Thereafter, since the tenant was able to raise triable issue *qua* the *bona fide requirement*, the learned ARC allowed his application seeking leave to



defend *vide* order dated 08.05.2023. The tenant then reiterated his case as earlier in his written statement.

6. After both parties leading evidence, the learned ARC passed a detailed judgment dated 14.08.2024⁶ holding *bona fide requirement* has to be necessity and cannot be a mere desire or to do things in the near future; as also that the landlord failed to prove the vocation of the two unmarried daughters; and that shop nos.4 and 5 were indeed suitable *alternative accommodations* for satisfying the *bona fide requirement* of the landlord.

7. Hence, the present revision petition filed by the landlord seeking setting aside of the impugned judgment dated 14.08.2024 passed by the learned ARC.

8. This Court on 23.12.2024 had issued notice and thereafter on 29.10.2025, passed the following order:-

“1. Learned counsel for the petitioner/ landlord has concluded his arguments, during which he emphasised that the impugned order, being based on conjectures and surmises, is liable to be set aside, especially for the reason that despite all the material on record before the learned ARC which proved the essential requirements of Section 14(1)(e) of the Delhi Rent Control Act, 1958 in favour of the landlord, his eviction petition has been rejected. Further, in light of the clear disclosure qua the other premises made by the landlord to the effect that he required each of them for the purposes of his three daughters in the course of fulfilment of his filial duties as a father, and as a consequence of his natural and pure love for his family, the same ought not to have been interfered with by the learned ARC.

⁶ Hereinafter as “*impugned judgment*”



2. *Learned counsel for the respondent/ tenant on the other hand submits that the impugned order is liable to be sustained and there is no infirmity therein, since, according to him, it was the own case of the landlord that at the time of filing of the eviction petition, adjoining shop nos. 4 and 5 which were in his possession were lying vacant since 1992, at the time of filing of the eviction petition, there could have been no reason for the landlord to seek eviction of the tenant from the subject premises. He further submits that as per information received recently, the adjoining shop no.1 has also been recently vacated as well. The same is denied by the daughter of the petitioner present in Court. In view thereof, he submits that as of today also there is no bona fide requirement of the landlord for the subject premises.*

3. *In effect, learned counsel for the tenant submits that the impugned order has rightly been passed and the eviction petition of the landlord has also rightly been rejected.*

4. *Prima facie, in the considered opinion of this Court, the aforesaid argument advanced on behalf of the tenant is of no relevance, since the landlord in his eviction petition has categorically stated as under:*

“... ..In said two shops, no.4 and no.5, petitioner's unmarried daughters, in the near future, intend starting work as per their attainments. The intention, of the said two daughters of the petitioner, for starting work is to keep them busy and also to supplement the income of their parents and after their respective marriages, to get confidence due to their settlement their married lives. It is also the desire of the parents of said two unmarried daughters, to see them settled in their life times... ..



... .. After petitioner, becomes incapable of working, he would be giving the shop procured from respondent to his married daughter Ms. Mona to avoid dissensions amongst his daughters.”

5. *It is trite that a landlord is the best judge of his requirements, and merely because shop nos. 4 and 5 were lying vacant, and shop no.1 might also now be vacant, does not mean that the landlord in the present case was precluded from seeking eviction of the tenant from the subject premises. The landlord, who is going to turn 85 years old within the next two months and has unfortunately already lost the prime of his age without having been able to make any use of the subject premises, now desires to give the subject premises to his married daughter for her use. The mere fact that shop nos.4 and 5 were lying vacant, when it was clearly stated that the landlord required the same for his other two daughters, and shop no.1 might also now be vacant can be of no aid to the case of the tenant. These factors, in the considered opinion of this Court, have unfortunately, not been dealt with in the impugned order by the learned ARC.*

6. *At this stage, though learned counsel for the tenant has addressed substantial arguments, however, he seeks and is granted, two weeks for concluding his remaining arguments.*

7. *As such, let the written synopsis filed by learned counsel for the landlord be brought on record, subject to removal of objections, if any.*

8. *Learned counsel for the tenant seeks and is granted a further period of one week for filing the written synopsis.*

9. *Accordingly, renotify on 21.11.2025.*



10. *In the meanwhile, without prejudice to the rights and contentions of the tenant and as a matter of abundant caution, learned counsel for the tenant shall also seek instructions qua the feasible time period within which the tenant would vacate the subject premises and hand over the possession thereof to the landlord, along with the terms of payment qua user and occupation charges for the aforesaid period before the next date of hearing.”*

11. Since, today learned counsel for the tenant submits that he has no instructions from the tenant regarding vacation of the subject premises in accordance of the aforesaid order, this Court has no option but to proceed further and adjudicate the present revision petition on merits.

12. As the *landlord-tenant relationship* between the parties has been held to be established in the impugned judgment, and there is no challenge thereto, the same is final and binding on the parties, need not be adverted to.

13. Regarding, *bona fide requirement* professed by the landlord, it is trite that it must be real, honest, and conceived in good faith, free from elements of a mere desire. The concept of *bona fide* need is not to be construed in a narrow manner as being confined solely to the personal requirement of the landlord. In fact, the expression “*own use*” denotes a wide amplitude and connotation and takes within the legitimate requirements of the members of the landlord’s family. As held in ***Joginder Pal vs. Naval Kishore Behal***: (2002) 5 SCC 397, whether such members are dependent upon the landlord or the landlord is, in turn, dependent upon them, is to be gathered from the surrounding facts and circumstances involved.



14. Since there was a failure on the part of the landlord to prove the vocation of the *two* unmarried daughters for whom shop nos.4 and 5 were kept aside for their future occupation, it led the learned ARC to conclude that the *bona fide requirement* of the landlord was a mere desire, more so, as there were suitable *alternative accommodations* available with the landlord to satisfy his needs.

15. However, the learned ARC, while determining the issue of *bona fide requirement*, has clearly overlooked the landlord's need to pass on the subject premises to his only married daughter, Ms. Mona, since there is no, meaningful analysis has been undertaken *qua* the landlord's *bona fide requirement* for running a grocery/ confectionery business, which is comparatively a less strenuous vocation. There was no occasion for the learned ARC to have, while dealing with an Eviction Petition under *Section 14(1)(e)* of the DRC Act, ventured into the vocation and/ or the educational qualification and/ or the work experience of anyone like the unmarried daughters and that too when it was not something concerning the subject premises. These are against the very tenets of the DRC Act as there is no such requirement therein.

16. Moreover, the learned ARC completely overlooked the fact that it was never the case of the tenant that the said shop nos.4 and 5 were similar to the subject premises. In any event, the landlord being a father was only trying to settle his daughters.

17. In view of the aforesaid, the essence of *bona fide requirement* of the landlord was/ is duly established to be honest and genuine.



18. Once that is so, the issue of *alternative accommodation* becomes mere incidental and the choice becomes vested with, and/ or is under the exclusive domain of the landlord to exercise such an option, having due regard to his own needs/ requirements/ circumstances, so as to choose the subject premises based on his assessment of its convenience, reasonableness, and suitability for his overall use, in accordance with his satisfaction. Merely because shop nos.4 and 5 were lying empty was itself not enough, more so, when it was the categorical case of the landlord that he required the same for his two unmarried daughters. Thus, as held in ***Akhileshwar Kumar vs. Mustaqim***: (2003) 1 SCC 462 and ***Sarla Ahuja vs. United India Insurance Co. Ltd.***: (1998) 8 SCC 119, neither the Court nor the tenant could have dictated the terms to the landlord, about his adjudging the best suitable *alternative accommodation* for his *bona fide requirement*.

19. This Court, while exercising its revisional jurisdiction, although cannot assume the role of an Appellate Court so as to supplant its own views in lieu of the what has been expressed by the learned ARC, however, as held by the Hon'ble Supreme Court in ***Hindustan Petroleum Corporation Limited vs. Dilbahar Singh***: (2014) 9 SCC 78 and ***Abid-Ul-Islam vs. Inder Sain Dua***: (2022) 6 SCC 30, it is trite that in the exercise of supervisory jurisdiction, if a patent and manifest errors are discernible on the face of the record, it becomes obligatory for this Court to exercise its revisional powers to correct the miscarriage of justice.

20. The present is one of such case where the impugned judgment dated 14.08.2024 is vitiated by non-consideration of material pleadings, as also



irrelevant considerations by the learned ARC, the same needs to be set aside, and consequently warrants interference by this Court.

21. Accordingly, the present revision petition is allowed and the impugned judgment dated 14.08.2024 passed by the learned ARC is set aside.

22. *Resultantly*, an eviction order is passed in favour of the landlord and against the tenant with respect to the subject premises being shop no.3 situated in plot no.166, Shyama Prasad Mukherjee Park, Tilak Nagar, New Delhi-110 018, which the tenant is liable to vacate and hand over peaceful physical possession of the same to the landlord, *albeit*, after being accorded benefit of *six months'* period to the tenant as per *Section 14(7)* of the DRC Act.

SAURABH BANERJEE, J

DECEMBER 19, 2025/So