



2026:DHC:2067



\$~

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

Reserved on: 15th January, 2026

Pronounced on: 12th March, 2026

+

RC.REV.165/2018

GOPAL KRISHAN PURI

.....Petitioner

Through: Mr. S. C. Singhal, Advocate.

versus

UCO BANK

.....Respondent

Through: Mr. Rajesh Rattan, Advocate.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

JUDGMENT

AMIT SHARMA, J.

1. The present revision petition under Section 25B (8) of the Delhi Rent Control Act, 1958 (hereinafter referred to as the “**DRC Act**”), seeks the following prayers: -

“It is, therefore, prayed that the present petition be allowed and the impugned judgement Dated 15.01.2018 passed in Eviction Petition No. 81/2012 by the court of Shri Navjeet Budhiraja, ACJ/CCJ/ARC(West) Tis Hazari Courts, Delhi be set aside by accepting the present petition and eviction order be passed in terms of the prayer clause of the eviction petition.

Any other or further order which this Hon'ble Court may deem fit and proper in view of the facts and circumstances of the case may also be passed in favour of the Petitioner and against the Respondent.”



2026:DHC:2067



2. The present revision petition assails the impugned judgment dated 15.01.2018, passed by the learned ARC, West District, Tis Hazari Courts, Delhi (hereinafter referred to as the “**learned ARC**”), in Eviction Petition No. 81/2012 (hereinafter referred to as the “**eviction petition**”), whereby the eviction petition preferred by the petitioner against the respondent was dismissed.

3. It was the case of the petitioner that he is the owner/landlord of premises bearing No. B-7, Tagore Market, Kirti Nagar, Delhi-110015 (hereinafter referred to as the “**subject premises**”), which he had inherited from his father, late Shri Badri Nath. A tenancy was created in the year 1964 for a period of ten years, by the father of the petitioner in respect of two rooms and a veranda on the ground floor of the subject premises (hereinafter referred to as the “**tenanted premises**”) *vide* a registered Lease Deed in favour of the respondent. The said tenancy was further renewed for another period of ten years, up to 31.12.1985. Thereafter, no further lease deed was executed and the tenancy became a month-to-month tenancy at a rent of INR 190/- per month.

4. It was further stated that the tenanted premises were *bona fide*ly required by the petitioner and his family members, as the existing accommodation forming part of the subject premises, consisting of one room on the ground floor, three rooms on the first floor and one *barsati* room on the



2026:DHC:2067



second floor, was highly insufficient for the purposes of residing. It was further stated that the petitioner has a large family comprising himself, his wife, two married sons, their wives and two granddaughters, and on account of age-related ailments and knee problems, the petitioner and his wife faced difficulty in climbing stairs and required accommodation on the ground floor of the subject premises. It was further pleaded that no other alternate accommodation was available to meet the said requirement of the petitioner.

5. It was further stated that the petitioner was residing in the subject premises, where the tenanted premises are situated. The portion of the premises where the petitioner resides consists of one room on the ground floor, three rooms and one drawing room on the first floor, and one *barsati* room on the second floor.

6. An application seeking leave to defend dated 29.09.2011 was filed on behalf of the respondent. Thereafter, a reply to the leave to defend application dated 27.02.2012 was filed by the petitioner in the eviction proceedings. Leave to defend was allowed *vide* order dated 20.11.2013, pursuant to which the respondent filed its written statement dated 07.01.2014, and the petitioner filed its replication dated 19.02.2014.

7. Evidence was led by both parties, and the petitioner stood cross-examined on 24.01.2015, while RW-1 stood cross-examined on 09.09.2015. The eviction proceedings were finally heard on 11.01.2018, and the impugned order was passed on 15.01.2018 by the learned ARC.



SUBMISSIONS ON BEHALF OF THE PETITIONER

8. At the outset, learned counsel for the petitioner drew attention of this Court to the impugned order passed by the learned ARC, and particularly on the following paragraph(s): -

“15. Although, petitioner has been able to prove that he has a bona fide requirement of accommodating his family members comfortably. However, it has also to be seen that whether petitioner requires the tenanted premises for this purpose and there is no alternative accommodation available with the petitioner which could suitably cater to his requirement.

16. Petitioner/PW-1 has testified in his affidavit Ex. PW-1/A that the present accommodation available with him is one room on the ground floor, three rooms and one drawing room on the first floor and one Barsati room on the second floor as shown in Green Color in Site plan (site plan has not been formally exhibited). The said barsati room is not fit for residence and is being used as store room. But in his cross-examination, petitioner/PW-1 has admitted that there is a kitchen, toilet, washroom, store a part from the barsati room on the second floor. He has also admitted that these constructions are a Pucca structure. It is also pertinent to note that when petitioner/PW-1 was confronted with copy of one reply filed by the petitioner in some other case which is Ex. PW-1/D-24, he fessed up that he had mentioned that the second floor of the property is also being used for residential purposes by him as well as his family members. Then in the later part of his cross-examination, he also conceded that as on the date of his examination, the property consists of five bed rooms, one drawing room, two kitchens, three toilets and other rooms.”

It was submitted that the learned ARC had categorically recorded and held that the petitioner was able to prove his *bona fide* requirement, and once



such finding had been returned by the learned ARC, the eviction petition ought not to have been dismissed.

9. Learned counsel for the petitioner further drew attention of this Court to the impugned order, and particularly on the following paragraph(s): -

“17. It is pellucid from the above that petitioner has given discrepant statements with regard to the accommodation available in his current residence. The admissions made by him in his cross-examination with regard to the availability of a kitchen, toilet, store room on the second floor and over all availability of five bed rooms are not in consonance with his plea in the petition as well as in his evidence. **It is quite clear that the petitioner has concealed the details of entire accommodation available with him. Although, the petitioner has endeavoured to justify that because of the see page in second floor of the property, the same is not being used by him, but it was the duty of the petitioner to have approached the court with clean hands by divulging the details of the entire accommodation available with him and thereafter would have taken the plea of non-suitability of the same.** Another justification given by petitioner/PW-1 that the second floor of the premises would require repair which was very costly. It is also not tenable as it is the case of the petitioner that after the acquisition of the tenanted premises, he would carry out the renovation so as to make it habitable, as per his requirement. This statement of the petitioner is also beyond comprehension as on one hand he is taking the plea of avoiding the expenses of repair of second floor and on the other hand, he intends to get the tenanted premises renovated so as to make the same suitable as per his needs.”

It was argued that the learned ARC had erred while holding that the petitioner had concealed material facts from the Court. It was further argued that the respondent had never taken the ground of concealment and, in any event, the petitioner had placed on record the complete site plan of the subject premises, depicting the entire accommodation available, including the rooms



2026:DHC:2067



on the ground floor, first floor and the second/*barsati* floor, and thus, the finding of concealment, as rendered in the impugned order, is wholly unsustainable.

10. Learned counsel further contended that the learned ARC had incorrectly held that the plea of repair work on the second/*barsati* floor of the subject premises was untenable, on the ground that renovation would also be required in the tenanted premises to make it habitable. It was further submitted that the landlord is the best judge of his requirements, and that the tenant is not competent to dictate the terms as to which portion of the premises should be utilized and which portion should not be utilized.

11. It was further submitted that the learned ARC had incorrectly held that, since the petitioner had admitted the availability of a kitchen, toilet, washroom, apart from a *barsati* room on the second floor, the said constructions were *pucca* structures. It was submitted that the petitioner had explained before the learned ARC that the said portions on the second/*barsati* floor are not fit for habitation, as there is seepage in the said rooms and the same require extensive repair work.

12. Attention of this Court was further drawn to the impugned order, and particularly on the following paragraph(s): -

“**18.** Although, it is not repudiated by the respondent that the petitioner has been living in a joint family with the given number of members, however in view of the admission by the petitioner that currently he is in possession of five bed rooms, one drawing room,



two kitchens, three rooms, it is beyond comprehension that these number of bed rooms will not be sufficient for the family members of the petitioner. **In para no. 10 of his affidavit, petitioner/PW-1 has also stated that his mother in law being 85 years of age is not in a position to climb the stairs and requires one room at the ground floor. This requirement of the petitioner is believable, however, the requirement of two rooms for petitioner and his wife at the ground floor has remained inexplicable on behalf of the petitioner. Petitioner has also not placed on record the medical documents in support of the alleged knee problems of himself and his wife.**”

It was submitted that the learned ARC had incorrectly held that the requirement of two rooms for the petitioner and his family on the ground floor remained unexplained on account of the petitioner’s alleged failure to place medical documents on record. It was further submitted that the petitioner had never stated that two rooms were available with him on the ground floor, rather, only one room is available with the petitioner, while the remaining two rooms are in occupation of the respondent. It was further submitted that since an eviction petition cannot be filed seeking partial eviction, the respondent is liable to be evicted from both the rooms. Whether the petitioner explained a *bona fide* requirement of one room or two rooms, has no material bearing on the case, and therefore, the findings of the learned ARC in this regard are erroneous and unsustainable, as no such explanation was required. With respect to the production of medical documents, it was submitted that the petitioner is aged and is a retired NCERT employee, and therefore, no medical evidence was required to be produced.

13. It was further stated that the learned ARC failed to appreciate that the earlier civil suit filed against the respondent, being Suit No. 234/2009, was



dismissed for want of jurisdiction, as the tenanted premises are governed by the provisions of the DRC Act.

14. It was submitted that, as on date, the petitioner requires one bedroom with a living room facility on the ground floor for himself and his wife, two bedrooms for his two sons and their wives, and two separate bedrooms for the grown-up grandchildren, as stated hereinabove, along with one study room, besides a living room, kitchen, and other facilities. However, the accommodation available with the petitioner consists of only one room on the ground floor, three rooms along with a *pooja* room and store on the first floor, and one *barsati* room, which is not habitable.

15. Learned counsel for the petitioner had further relied upon the decision of the Hon'ble Supreme Court in **Shiv Sarup Gupta v. Mahesh Chand Gupta**¹, and particularly on the following paragraph: -

“**14.** The availability of an alternative accommodation with the landlord i.e. an accommodation other than the one in occupation of the tenant wherefrom he is sought to be evicted has a dual relevancy. Firstly, the availability of another accommodation, suitable and convenient in all respects as the suit accommodation, may have an adverse bearing on the finding as to the bona fides of the landlord if he unreasonably refuses to occupy the available premises to satisfy his alleged need. Availability of such circumstance would enable the court drawing an inference that the need of the landlord was not a felt need or the state of mind of the landlord was not honest, sincere, and natural. Secondly, another principal ingredient of clause (e) of sub-section (1) of Section 14, which speaks of non-availability of any other reasonably suitable

¹ (1999) 6 SCC 222



residential accommodation to the landlord, would not be satisfied. Wherever another residential accommodation is shown to exist as available then the court has to ask the landlord why he is not occupying such other available accommodation to satisfy his need. The landlord may convince the court that the alternative residential accommodation though available is still of no consequence as the same is not reasonably suitable to satisfy the felt need which the landlord has succeeded in demonstrating objectively to exist. Needless to say that an alternative accommodation, to entail denial of the claim of the landlord, must be reasonably suitable, obviously in comparison with the suit accommodation wherefrom the landlord is seeking eviction. Convenience and safety of the landlord and his family members would be relevant factors. While considering the totality of the circumstances, the court may keep in view the profession or vocation of the landlord and his family members, their style of living, their habits and the background wherefrom they come.”

16. It was further argued that the alleged statement regarding use of the second floor for residential purposes, as stated by the petitioner in the eviction petition, was on account of inadvertent discrepancy and typographical error, and the same does not reflect the true factual position. It was submitted that it has been consistent case of the petitioner throughout the proceedings, that the second/*barsati* floor is not fit for habitation on account of seepage and requires extensive repair work. It was further submitted that minor inconsistencies or clerical errors in pleadings cannot be construed as concealment or lack of *bona fides*, particularly when the overall material on record clearly establishes the petitioner’s *bona fide* residential requirement.



2026:DHC:2067



SUBMISSIONS ON BEHALF OF THE RESPONDENT

17. At the outset, learned counsel for the respondent submitted that the latter is a Public Sector Undertaking and a nationalised bank carrying on its business from property bearing No. B-6, Ground Floor, Tagore Market, Kirti Nagar, New Delhi-110015, admeasuring 1247 sq. ft. The said property was leased out to the respondent *vide* lease deed dated 08.06.2005 for a period of fifteen years, w.e.f. 01.01.2004. In addition thereto, the respondent is also in occupation of the adjoining tenanted premises in question, *i.e.*, a small portion of property bearing No. B-7, Ground Floor, Tagore Market, Kirti Nagar, New Delhi-110015, on the rear side facing the back lane, comprising two small rooms admeasuring approximately 350 sq. ft. It was further submitted that one of the said rooms is being used as a strong room where bank lockers are installed, while the other L-shaped room is being used as a storage room for maintaining records, books, and ledgers of the respondent bank since the year 1964, till date. As such, respondent is providing banking services to locker holders for the operation of lockers installed in the tenanted premises.

18. It was further submitted that the tenanted premises were taken on rent by the respondent from late Shri Badri Nath Puri, *i.e.*, the father of the petitioner, in the year 1964, and lease deeds were executed by him from time to time in favour of the respondent. As such, a relationship of landlord and tenant existed between late Shri Badri Nath Puri and the respondent, and the respondent was depositing rent of INR 190/- in his account monthly. It was



2026:DHC:2067



further submitted that late Shri Badri Nath Puri expired on 18.03.1987 and was survived by nine legal heirs, comprising two sons and seven daughters.

19. Attention of this Court was drawn to the cross-examination dated 04.06.2014 of the petitioner, *i.e.*, PW-1 therein, to submit that the petitioner had concealed a material fact in the eviction proceedings by not disclosing that, prior to filing the eviction petition, the petitioner had already instituted a civil suit for recovery of possession and *mesne* profits against the respondent *qua* the tenanted premises and it was never disclosed by the petitioner in the said suit, whether he needs tenanted premises for himself or his family members. It was submitted that in the said suit, the petitioner had claimed damages at the rate of INR 40/- per sq. ft. for an area admeasuring 350 sq. ft., amounting to INR 14,000/- per month. The said suit was registered as Suit No. 234/2009 and the same was dismissed by the learned SCJ/RC, West District, Tis Hazari Courts, *vide* judgment dated 22.03.2012. The relevant portion of the cross-examination dated 04.06.2014 is reproduced as under: -

“It is correct that I did not make any efforts by filing any case to get the said Will probated. It is correct that before filing the present petition. I had filed a civil suit bearing No. 234/2009 titled Gopal Krishan Puri Vs. UCO Bank for recovery of possession and mesne profits. It is correct that I had demanded the market rate of rent *qua* the tenanted premises from the respondent bank. It is correct that I had demanded mesne profits/damages @ Rs.40/- per sq. ft. which was prevailing market rate at that time. *vol.* besides that I had demanded vacant possession of property from the respondent bank. It is correct that in my suit Ex.PW1/D/17, I had stated that the rent was around Rs.8000/- per month. It is correct that I have not stated in my said suit Ex.PW1/D17 about the bonafide personal requirement of the tenanted property for myself and my family



2026:DHC:2067



members. It is correct that the aforesaid suit was dismissed by the Hon'ble court of Sh. Amit Kumar, SCJ/RC(West), Delhi vide judgment dated 22.03.2012 which is Ex.PW1/D18. It is correct that I have not stated in my suit Ex.PW1/D17 that my mother in law was residing with me in the said property.”

20. Attention of this Court was further drawn to the cross-examination dated 23.08.2014 of the petitioner, to contend that the petitioner had falsely stated that his mother-in-law was residing with him in the subject premises. It was submitted that the petitioner procured a Voter ID card of his mother-in-law dated 31.05.2012, which is subsequent to the dismissal of Suit No. 234/2009, and therefore, it is evident that the petitioner had set up the alleged claim of his mother-in-law residing with him. The relevant portion of the cross-examination dated 23.08.2014 is reproduced as under: -

“...It is correct that Ex.PW1/D-21 (admitted) is the election commission card of my mother in law Smt. Krishna Devi, issued on 31.05.2012 showing the address as B-7, Block-B, Tagore Market, Kirti Nagar, Delhi. It is correct that I have not filed earlier election I-card of Smt. Krishna Devi on record. It is correct that the election I-card Ex.PW1/D-21 was got prepared after the dismissal of my suit vide judgment dated 22.03.2012 which is Ex.PW1/D-18. vol. she was living with me since 2006 and I have placed proof of this on record.

XXX

XXX

XXX

...It is correct that present petition was filed two months after preparation of election I-card of my mother in law. It is wrong to suggest that the requirement in respect of my mother in law is false. It is correct that I have not mentioned in my eviction petition as to where my mother in law was residing previously. It is wrong to suggest that I have deliberately concealed the previous address of my mother in law.”



2026:DHC:2067



21. It was further submitted that within five months of the dismissal of the said suit, the petitioner filed the eviction petition on 27.08.2012 before the learned ARC on false grounds. It was alleged that the real intention of the petitioner was to evict the respondent with a view to let out the tenanted premises to another tenant at a higher rent, and that the petitioner's motive was purely to derive commercial benefits, rather than to satisfy any *bona fide* personal requirement.

22. It was further contended by learned counsel that the petitioner had concealed another vital fact from the learned ARC by not disclosing in the eviction petition that he had already filed an eviction petition under Section 14(1)(e) of the DRC Act, against one Mr. Mahavir Prasad Agarwal, *i.e.*, a tenant of one shop admeasuring 11'-6" × 26'-24" situated in the subject premises. The said eviction petition was registered as Eviction Petition No. 247/2011, wherein the petitioner had taken the stand that he required the said premises for starting a new restaurant, which is purely commercial in nature. It was further submitted that the said premises are also situated on the ground floor of the subject premises and, therefore, the purpose of eviction sought by the petitioner in Eviction Petition No. 247/2011 was to start a new restaurant and not for any personal *bona fide* requirement for residential purposes. In support of the aforesaid, learned counsel for the respondent had relied upon the cross-examinations of the petitioner dated 23.08.2014 and 24.01.2015, and the relevant portions of the said cross-examinations are reproduced as under: -



“Cross-examination dated 23.08.2014

...It is correct that before filing the present petition, I had earlier filed an eviction petition No. 247/2011 against another tenant Mr. Mahavir Prasad Aggarwal in respect of a shop measuring 300 sq. ft. It is correct that the shop in possession of Mr. Mahavir Prasad Aggarwal has common wall with the tenanted premises. The gate of this shop in occupation of another tenant Mahavir Prasad Aggarwal opens at the front side facing Najafgarh Road. It is correct that eviction petition filed by me against Mahavir Prasad bears my signatures at point A. Same is Ex.PW1/D-22. It is correct that I have mentioned about the opening of a restaurant in Annexure-A to my said eviction petition. It is correct that I have mentioned about my commercial requirement of the said shop for the purpose of earning money by opening a restaurant in Ex.PW1/D-22. It is correct that I have not mentioned about the requirement of bona fide personal residence purpose in my said earlier eviction petition Ex.PW1/D-22. It is correct that before filing the present eviction petition, I had also filed another eviction petition No. 246/2011 against Mr. Harish Kumar Anand which bears my signatures at point A and the same is Ex.PW1/D-23. The area of this shop in occupation of Sh. Harish Kumar is around 300 sq. ft. It is correct that I have also mentioned in Ex.PW1/D-23 about the requirement of opening of restaurant in the shop in question also. It is correct that I have also not mentioned or stated in Ex.PW1/D-23 about my bona fide personal residential requirement. It is correct that my requirement was purely commercial for using the said shop as I wanted to make money out of the said shop. vol. to earn my livelihood. It is correct that the shop in possession of Harish Kumar is adjacent to the tenanted premises having common wall.

XXX

XXX

XXX

Cross-examination dated 24.01.2015

...I did not mention about the eviction petition against Mahavir Prasad Aggarwal in the present petition because all these cases are pending in the same court and I was advised by my counsel that I need not disclose specifically about the same. The case relating to



Mahavir Prasad Aggarwal is pending in the High Court of Delhi and the property is still in possession of Mahavir Prasad Aggarwal. It is correct that I did not mention about eviction petition against another tenant Harish Kumar bearing No. 246/2011 in the present petition for the same reason. It is correct that a kitchen, toilet and extra room are also there alongwith the barsati room on the second floor, vol. extra room is a small store. It is correct that only barasati room on the second floor has been mentioned in my petition and the other room as per detail given above has not been mentioned. I am not using the kitchen on the second floor. It is wrong to suggest that I am falsely stating that this kitchen is not being used. vol. it is not being used as there is lot of seepage of water in that kitchen. It is wrong to suggest that second floor is being used by me and my family members for residential purpose.”

23. It was further submitted that the petitioner had concealed another crucial fact from the learned ARC by not disclosing that at the time of filing the eviction petition, he had already filed a separate eviction petition, being Eviction Petition No. 246/2011, against another tenant, *i.e.*, Mr. Harish Kumar Anand, in respect of another shop admeasuring 11’-6” × 26’-24” situated in the subject premises. In the said eviction petition, the petitioner had stated that he required the said shop for starting a new restaurant, which is again for commercial purposes and not for his *bona fide* requirement for residential use. It was further submitted that the said shop is also situated on the ground floor of the subject premises, adjacent to the shop under the tenancy of Mr. Mahabir Prasad Agarwal.

24. It was further contended that the tenanted premises in the occupation of the respondent, are not fit for residential use, as there is no ventilation, window, fresh air flow, or access to sunlight in the said rooms from any side.



2026:DHC:2067



It was submitted that the tenanted premises are completely enclosed by brick walls on all sides, and therefore, are unfit for human habitation. It was further submitted that the tenanted premises are being used as the bank's strong room, wherein lockers have been installed for its customers, and that locker rooms do not have windows or openings through which natural air or sunlight can enter. It was further argued that such lockers are always installed in protected and secure rooms with iron walls. In support of the said contention, learned counsel for the respondent relied upon the cross-examination dated 24.01.2015 of the petitioner, and particularly on the following portion: -

“...It is wrong to suggest that I have filed case or that I do not have any bona fide requirement. It is correct that the tenanted premises in its present state is not habitable. vol. the same will become habitable when it is merged with a room behind it after I get possession of the tenanted premises. It is correct that at present, the tenanted premises does not have any window. vol. however, it gets ventilation through the passage. It is correct that the tenanted premises has been in its present state since the very beginning. It is wrong to suggest that if the tenanted premises is got vacated then I shall use the same for restaurant business as mentioned with regard to other shops. It is wrong to suggest that the areas mentioned in my petition and areas mentioned in my site plan do not match, It is wrong to suggest that I am deposing falsely.”

25. It was submitted that it is an admitted case that one of the sons of the petitioner had moved out of the subject premises during the pendency of the eviction proceedings, on account of domestic issues, and therefore, the requirement of space for him to reside no longer subsists. In support of the said contention, learned counsel for the respondent had placed reliance on the



2026:DHC:2067



cross-examination dated 24.01.2015 of the petitioner, and particularly on the following portion: -

“...It is correct that my daughter in law i.e. wife of my son Rajeev Puri had filed a police complaint against me. vol. those family problems have been settled and Rajeev and his wife are living together. It is correct that said dispute is also a reason for Rajeev and his wife taking up a separate residence, vol. due to the dispute, there was difficulty in using common kitchen. It is correct that these disputes arose due to common kitchen on the first floor. It is correct that I have not mentioned about all these disputes in my affidavit of evidence. It is wrong to suggest that I have not mentioned about these disputes which are true facts in order to conceal material information from the court.”

26. It was submitted that the petitioner had taken contradictory stand with respect to the use and habitability of the second/*barsati* floor of the subject premises. The petitioner in his cross-examination dated 24.01.2015, had admitted that in paragraph-D of his reply and in paragraph-D of the affidavit accompanying the reply, both forming part of the eviction proceedings, he had stated that the second floor was being used for residential purposes by him and his family. It was submitted that, on one hand, the petitioner had admitted that the second floor was being used for residential purposes, while on the other hand, he had taken a stand that the said portion is inhabitable. It was further argued that such inconsistent and contradictory pleas clearly affect the credibility of the petitioner’s case and belie his claim of *bona fide* requirement. The relevant portion of the cross-examination dated 24.01.2025, is reproduced as under: -



“...It is correct that that in para-D of the said reply at internal page no. 6, I have mentioned that the second floor of property in question is being used for residential purposes. vol. the second floor was being used for residence at the time of filing of reply, however, subsequently we stopped using the same due to seepage of water and no portion of the second floor is now being used, I have not got the second floor portion repaired to prevent seepage. vol. it is very costly. It is correct that despite the second floor being my property, I have not got it repaired. It is correct that that in para-D of the affidavit accompanying the reply at internal page no. 20, I have mentioned that the second floor of property in question is being used for residential purposes by me and my family.”

27. Learned counsel for the respondent had relied upon the judgment of the Hon’ble Supreme Court in **Kishan Chand v. Jagdish Pershad & Ors.**², to contend that wherein an eviction petition on ground of *bona fide* requirement has been filed suppressing material facts, particularly relating to the availability of an alternative residential accommodation with the landlord’s son, such petition is liable to be dismissed.

ANALYSIS AND FINDING

28. Heard the learned counsels for the parties and perused the record.

29. In the eviction petition, following details were provided by the petitioner:

18(a)	The ground on which the eviction of the tenant	...(iv) That the father of the petitioner Late Sh. Badri Nath Puri granted a Lease in respect of a
-------	--	--

² 2001 SCC OnLine SC 1244



2026:DHC:2067



	is sought.	<p>portion comprising of two rooms with a veranda on the ground floor of the premises bearing Municipal No. B-7, Tagore Market, Kirti Nagar, New Delhi at a monthly rent of Rs. 125/- per month in the year 1964 vide Lease Deed duly registered before the Sub Registrar, Kashmere Gate, Delhi for a period of ten years in favour of the respondent. After the expiry of the lease deed again aforesaid premises were leased out to the respondents for a further period of ten years at a monthly rent of Rs. 190/- per month w.e.f. 1.1.1976 to 31.12.1985 vide Lease Deed duly registered on 16.07.1976 in the Office of Sub Registrar, Kashmere Gate, Delhi-110006 in favour of the respondent. The original lease deeds are in possession of the bank. The premises were let out for commercial purposes. The respondent is using the one room as a locker room and another room as Store room where old records of the bank are kept. After the expiry of the lease period on 31.12.1985 the respondent failed to renew the further lease and therefore the respondent became the tenant under the petitioner on month to month tenancy. The respondent is paying rent to the petitioner 0 Rs.190/- per month in the account of the petitioner in this very branch of the UCO Bank after the death of the father of the petitioner. The respondent has attorned the petitioner as his owner/landlord. After the expiry of the lease period on 31.12.1985 the respondent failed to renew the further lease and therefore the respondent became the tenant under the petitioner on month to month tenancy. The respondent is paying rent to the petitioner 0 Rs.190/- per month in the account of the petitioner in this very branch of the UCO Bank after the death of the father of the petitioner. The respondent has attorned the petitioner as his owner/landlord.</p>
--	------------	---



2026:DHC:2067



		<p><u>(v) That the tenanted premises are Bonafide required by the petitioner for himself and for the members of his family dependent on him for residential purposes. The present accommodation available is highly insufficient and no other reasonable suitable accommodation is available to the petitioner elsewhere.</u></p>
--	--	--

(emphasis supplied)

30. The learned ARC while dismissing the eviction petition filed on behalf of the petitioner, observed as under: -

“15. Although, petitioner has been able to prove that he has a bona fide requirement of accommodating his family members comfortably. However, it has also to be seen that whether petitioner requires the tenanted premises for this purpose and there is no alternative accommodation available with the petitioner which could suitably cater to his requirement.

16. Petitioner/PW-1 has testified in his affidavit Ex. PW-1/A that the present accommodation available with him is one room on the ground floor, three rooms and one drawing room on the first floor and one Barsati room on the second floor as shown in Green Color in Site plan(site plan has not been formally exhibited). The said barsati room is not fit for residence and is being used as store room. But in his cross-examination, petitioner/PW-1 has admitted that there is a kitchen, toilet, washroom, store a part from the barsati room on the second floor. He has also admitted that these constructions are a Pucca structure. It is also pertinent to note that when petitioner/PW-1 was confronted with copy of one reply filed by the petitioner in some other case which is Ex. PW-1/D-24, he fessed up that he had mentioned that the second floor of the property is also being used for residential purposes by him as well as his family members. Then in the later part of his cross-examination, he also conceded that as on the date of his



examination, the property consists of five bed rooms, one drawing room, two kitchens, three toilets and other rooms.

17. It is pellucid from the above that petitioner has given discrepant statements with regard to the accommodation available in his current residence. The admissions made by him in his cross-examination with regard to the availability of a kitchen, toilet, store room on the second floor and over all availability of five bed rooms are not in consonance with his plea in the petition as well as in his evidence. It is quite clear that the petitioner has concealed the details of entire accommodation available with him. Although, the petitioner has endeavoured to justify that because of the see page in second floor of the property, the same is not being used by him, but it was the duty of the petitioner to have approached the court with clean hands by divulging the details of the entire accommodation available with him and thereafter would have taken the plea of nonsuitability of the same. Another justification given by petitioner/PW-1 that the second floor of the premises would require repair which was very costly. It is also not tenable as it is the case of the petitioner that after the acquisition of the tenanted premises, he would carry out the renovation so as to make it habitable, as per his requirement. This statement of the petitioner is also beyond comprehension as on one hand he is taking the plea of avoiding the expenses of repair of second floor and on the other hand, he intends to get the tenanted premises renovated so as to make the same suitable as per his needs.

18. Although, it is not repudiated by the respondent that the petitioner has been living in a joint family with the given number of members, however in view of the admission by the petitioner that currently he is in possession of five bed rooms, one drawing room, two kitchens, three rooms, it is beyond comprehension that these number of bed rooms will not be sufficient for the family members of the petitioner. In para no. 10 of his affidavit, petitioner/PW-1 has also stated that his mother in law being 85 years of age is not in a position to climb the stairs and requires one room at the ground floor. This requirement of the petitioner is believable, however, the requirement of two rooms for petitioner and his wife at the ground floor has remained inexplicable on behalf of the petitioner.



2026:DHC:2067



Petitioner has also not placed on record the medical documents in support of the alleged knee problems of himself and his wife.”

31. A perusal of the aforesaid observations demonstrate that the learned ARC had dismissed the eviction petition on the ground that the third essential requirement for satisfaction of ingredients of Section 14(1)(e) of the DRC Act, *i.e.*, the non-availability of alternate suitable accommodation, could not be met by the petitioner. Admittedly, the present petitioner in his cross-examination, when confronted with the material facts, had admitted the availability of alternate accommodation consisting of five bed rooms, one drawing room, two kitchens, three toilets and other rooms. However, a perusal of the eviction petition would reflect that the same was not disclosed by the petitioner, at the time of filing of the same. The contention of the learned counsel for the petitioner, to the effect that the site plan demonstrated the said accommodation, would not be tenable, especially in view of the fact that the petitioner could still not satisfy the requirement of non-availability of alternate accommodation.

32. Further, as noted hereinbefore, in the other two eviction petitions filed by petitioner, *i.e.*, Eviction Petition No. 246/2011 and Eviction Petition No. 247/2011, against other tenants, the requirement pleaded by the petitioner was for opening a restaurant on the very same ground floor for which residential requirement has been sought in the present eviction petition. It has further come on record that both the shops for which eviction petitions had been filed, are adjacent to the subject tenanted premises and share a common wall. It has also come on record, by way of cross-examination dated 24.01.2015 of



the petitioner, that the subject tenanted premise does have any window and it is enclosed by iron walls, on all sides, and the same is being used primarily as bank strong room, where lockers had been installed for the customers. In these circumstances, coupled with the fact that the petitioner had already initiated eviction proceedings in respect of adjacent shops for commercial purpose, the location and the physical condition of the subject tenanted premises render it unsuitable for residential use.

33. It has also come on record that the petitioner had got prepared an Election Commission card of his mother-in-law just before filing of the eviction petition. The relevant portion of the cross-examination dated 23.08.2014 is reproduced as under: -

“...It is correct that Ex.PW1/D-21 (admitted) is the election commission card of my mother in law Smt. Krishna Devi, issued on 31.05.2012 showing the address as B-7, Block-B, Tagore Market, Kirti Nagar, Delhi. It is correct that I have not filed earlier election I-card of Smt. Krishna Devi on record. It is correct that the election I-card Ex.PW1/D-21 was got prepared after the dismissal of my suit vide judgment dated 22.03.2012 which is Ex.PW1/D-18. vol. she was living with me since 2006 and I have placed proof of this on record.

XXX

XXX

XXX

...It is correct that present petition was filed two months after preparation of election I-card of my mother in law. It is wrong to suggest that the requirement in respect of my mother in law is false. It is correct that I have not mentioned in my eviction petition as to where my mother in law was residing previously. It is wrong to suggest that I have deliberately concealed the previous address of my mother in law.”

(emphasis supplied)



The petitioner has further admitted that prior to filing of the present eviction petition, he had filed a civil suit bearing no. 234/2009 titled as “Gopal Krishan Puri vs. UCO Bank” for recovery of possession and *mesne* profits, which was dismissed, and at that stage there was no averment for *bona fide* use or requirement for the petitioner’s mother-in-law.

34. Hon’ble Supreme Court in **Sarla Ahuja v. United India Insurance Co. Ltd.**³, and **Abid-Ul-Islam v. Inder Sain Dua**⁴, held that the scope of interference by this Court, in exercise of its revisional jurisdiction under Section 25B (8) of the DRC Act, is limited. Such jurisdiction is confined to examining whether the impugned order suffers from any error apparent on the face of the record. The Revisional Court cannot reappreciate evidence or substitute its own view, unless the impugned order is shown to be arbitrary, perverse, or vitiated by material impropriety. In the absence of such infirmities, there remains narrow scope for interference with the impugned order.

35. In view of the aforesaid, this Court finds no reason to interfere with the impugned order passed by the learned ARC, and accordingly, the present revision petition is dismissed and disposed of.

36. Pending application(s), if any, also stand disposed of accordingly.

³ (1998) 8 SCC 119

⁴ (2022) 6 SCC 30



2026:DHC:2067



37. Copy of this judgment be sent to the concerned learned ARC, West District, Tis Hazari Courts, Delhi, for necessary information.

38. Judgment be uploaded on the website of this Court, *forthwith*.

AMIT SHARMA
(JUDGE)

MARCH 12, 2026/nk/bsr/db