



2026:DHC:7485



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

Date of decision: 03.09.2026

CNR No. DLHC013383672015

+ **RC.REV. 396/2015**

GIAN SINGH LAKHA

.....Petitioner

Through: Ms. Ishita Kaushal, Advocate.

versus

VAKEEL AHMED

.....Respondent

Through: Ms. Meenu Ojha, Advocate.

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (Oral)

1. The present Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, assailing the **Judgment dated 31.03.2015²** passed by the **learned SCJ-cum-RC, South District, Saket Courts, New Delhi³**, in **Eviction Petition bearing No. E. 61/2011⁴**, titled “*Sh. Gian Singh Lakha v. Shri Vakeel Ahmed*”.

2. By way of the Impugned Judgment, the learned RC has dismissed the Eviction Petition instituted by the Petitioner/landlord under Section 14(1)(e) of the DRC Act in respect of the premises i.e., **one shop at property bearing no. 1418/13, Govind Puri, New Delhi⁵**.

¹ DRC Act

² Impugned Judgment

³ learned RC

⁴ Eviction Petition

⁵ Subject Premises



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3. Learned counsel appearing on behalf of the Petitioner assails the Impugned Judgment primarily on the ground that the learned RC has failed to properly examine the relevant facts and appreciate the evidence brought on record and has consequently arrived at erroneous findings in the Impugned Judgment.

4. It is submitted that the *bona fide* requirement projected by the Petitioner has not been appreciated in its correct perspective. Learned counsel submits that the conclusion of the learned RC that the son of the Petitioner, for whose benefit the Subject Premises were also sought, had no intention of returning to India merely because he was residing in the United States of America, is erroneous. It is contended that the requirement was projected jointly by the Petitioner and his son for the purpose of commencing a hardware and paint business.

5. Learned counsel further submits that the learned RC has erred in drawing an adverse inference from the fact that the Petitioner's son had not visited India for a considerable period of time, i.e., for almost twenty (20) years. It is urged that the mere absence of the son from India could not, by itself, lead to the conclusion that the requirement pleaded was not *bona fide*.

6. It is also contended that the learned RC has erred in holding that the Petitioner had alternative suitable accommodation available to him, inasmuch as the accommodation referred to in the Impugned Judgment could not be regarded as “suitable” for the business proposed to be undertaken by the Petitioner and his son.

7. **Per contra**, learned counsel appearing on behalf of the Respondent supports the Impugned Judgment in its entirety and submits that the same has been rendered upon a complete appreciation



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of the pleadings and evidence led by the parties. It is further submitted that the jurisdiction of this Court under the proviso to Section 25-B(8) of the DRC Act is limited and supervisory in nature and does not permit a re-appreciation of evidence merely because another view may be possible.

8. No other submissions were advanced on behalf of the parties.

9. This Court has heard learned counsel appearing on behalf of the parties at length, and, with their able assistance, perused the material placed on record as well as the Impugned Judgment.

10. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the *proviso* to Section 25B(8) of the DRC Act.

11. The contours of the aforesaid jurisdiction are well settled. The Hon'ble **Supreme** Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**⁶, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**⁷, and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**⁸, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

12. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in **Pankaj Pahwa v. Prem Wati & Ors.**⁹, and **Sanjeev Hiranandani v. Sunny**

⁶ (1998) 8 SCC 119

⁷ (2014) 9 SCC 78

⁸ (2022) 6 SCC 30

⁹ 2024:DHC:9322



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*Grover*¹⁰.

13. In ***Abid-Ul-Islam*** (supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25(B) of the DRC Act, observed that the omission of an appellate remedy against an Order passed by the learned RC is conscious and deliberate. The jurisdiction conferred upon the High Court is, therefore, one of superintendence over the decision-making process, including the legality and propriety thereof, and does not permit the High Court to substitute its own view for that of the learned RC merely because another view on the material available on record may be possible. The relevant observations of the Hon'ble Supreme Court read as under:

“23. The proviso to Section 25-B(8) gives the High Court exclusive power of revision against an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance. Thus, the High Court is not expected to substitute and supplant its views with that of the trial court by exercising the appellate jurisdiction. Its role is to satisfy itself on the process adopted. The scope of interference by the High Court is very restrictive and except in cases where there is an error apparent on the face of the record, which would only mean that in the absence of any adjudication per se, the High Court should not venture to disturb such a decision. There is no need for holding a roving inquiry in such matters which would otherwise amount to converting the power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature.”

14. In ***Pankaj Pahwa*** (supra), a Coordinate Bench of this Court, upon considering the principles enunciated in ***Abid-Ul-Islam*** (supra), reiterated that the jurisdiction exercised by this Court under the proviso to Section 25B(8) of the DRC Act is limited in scope and that this Court is not expected to substitute or supplant its view for that of the learned ARC. The revisional scrutiny is confined to examining the

¹⁰ 2025:DHC:11285



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decision-making process and determining whether the Impugned Order suffers from an error apparent on the face of the record or an absence of adjudication warranting interference.

15. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25B(8) of the DRC Act, this Court is neither required nor permitted to undertake a fresh appreciation of the material on record with a view to arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Judgment suffers from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC is wholly unreasonable or founded upon an erroneous premise of law. Equally, where a material plea has been left unconsidered, or the decision-making process otherwise discloses an error apparent on the face of the record, exercise of revisional jurisdiction may be warranted.

16. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged by the learned counsel on behalf of the Petitioner against the Impugned Judgment are required to be examined.

17. The learned RC, while dismissing the Eviction Petition, has returned findings against the Petitioner on both the essential ingredients, namely, the existence of a *bona fide* requirement and the existence of reasonably suitable alternative accommodation. The relevant findings returned in the Impugned Judgment are extracted hereinbelow:

“(C) Bonafide requirement

21. Petitioner has alleged that the tenanted premises is required



bonafide by himself and his son to run hardware and paint shop. However, the petitioner has not placed on record any documentary proof to reflect the intention of his son to return to India and start the said business. Interestingly, the said son Sh. Makhan Singh has not even bothered to appear in the witness box to prove his bonafides to settle in India. Even though, petitioner has explained that his son did not come to India as he was angry with the inability of the petitioner to arrange the shop for running the business. However as, neither any such plea has been taken in the petition nor at any other time during his evidence and therefore, appears unsubstantiated. Further, in his cross examination, petitioner has admitted that his son had never visited India since 1994-96. It is rather unbelievable that a person who alleges that he is unable to adjust in the culture of USA and is dreaming to set up his business in his mother land, has not even visited his homeland for the last almost 10 years

22. Further, petitioner states that he intends to leave his job and has already sought retirement from his present employer, and intimation in this regard has already been given to his employer. However, no documentary proof in this regard has been filed to corroborate that any intimation/ letter has been sent by the petitioner to his employer seeking voluntary retirement and a mere bald assertion without any supporting document in this regard weakens the very foundation of the case of the petitioner for eviction of tenant, who is running business and earning livelihood from the tenanted premises.

23. Furthermore, the petitioner has argued that he and his wife are not keeping well as the weather does not suit them and hence, he wants to shift to India. It is pertinent that the wife of the petitioner expired during the pendency of the petition. No medical document whatsoever has been placed on record to establish that the petitioner has been prescribed to avoid cold weather or that the climatic conditions of America are not congenial to his health conditions. Further, the case of the petitioner seems quite unbelievable as the petitioner admittedly is a Green Card Holder and it is common knowledge, that he is entitled to avail social security benefits in USA, which apparently India does not offer to its citizens. Hence, the said plea is meritless.

24. In view of the aforesaid discussion, I am not convinced that the tenanted premises is required bonafide by the petitioner for himself or his son.

d) No other alternate accommodation available to the petitioner.

25. Ld. counsel for the petitioner has argued that he requires the tenanted shop for running business along with the adjoining shop which has already been vacated. At the outset, no evidence has been led by the petitioner on the question of inadequacy of the



adjoining shop for running his business. Further, the petitioner has admitted during his cross examination that the four rooms in rear portion of the premises in which the suit shop is located was got vacated in the year 2006 and that all the said rooms are lying vacant with him. Interestingly, the said fact was never disclosed by the petitioner in his petition for eviction. Hence, the petition smells of malafides on account of concealment of material facts.

26. In cross examination, petitioner has put a defence that the said rooms are in a dilapidated condition. However, the said defence cannot be considered at this stage as it appears to be an afterthought as not a whisper was uttered either about the said vacated rooms or their condition prior to the time of cross examination.

27. Last but not the least, an admission has been made by the petitioner in his cross examination dated 15.03.2014 wherein he has stated that he did not start any business in five shops/rooms, even though they were vacated as his son expired at the said time. Again, the said fact has not been disclosed in the petition, and amounts to material concealment.

28. Hence, the present ingredient stands decided in favour of respondent and against the petitioner.

29. In view of the aforesaid discussion, petitioner has failed to establish ingredient of bonafide requirement and non availability of sufficient alternative accommodation in his favour. Accordingly, the petition filed by the petitioner u/s. 14 (1) (e) DRC Act stands dismissed.

30. File be consigned to record room.”

18. The learned RC has examined the material placed on record and returned findings on both the essential ingredients required to be established under Section 14(1)(e) of the DRC Act, namely, the existence of a *bona fide* requirement and the non-availability of any other reasonably suitable accommodation.

19. Insofar as the *bona fide* requirement is concerned, the learned RC has taken into consideration the fact that the requirement was projected, *inter alia*, for the benefit of the Petitioner's son, who was admittedly residing abroad and had not visited India for a considerable period of time. Significantly, the said son, for whose benefit the Subject Premises were also sought, did not enter the witness box to



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substantiate his intention to return to India and commence the proposed business. The learned RC has thus taken note of the absence of any cogent material in support of the requirement so projected, along with the other circumstances emerging from the evidence led by the Petitioner. The conclusion arrived at on the basis thereof cannot be said to be perverse or wholly unsupported by the material available on record.

20. The learned RC has also taken into consideration the admitted position that the Petitioner's son had not visited India since the mid-1990s. Undoubtedly, the mere fact that a person resides abroad, or has not visited India for a considerable period, may not by itself be determinative of the *bona fide* nature of a requirement. However, the said circumstance was not considered by the learned RC in isolation. It was assessed in conjunction with the absence of any independent evidence from the son himself, or any other contemporaneous material demonstrating a concrete intention to return to India and commence the proposed business.

21. The finding with respect to the availability of alternative accommodation also does not warrant interference. The learned RC has taken note of the Petitioner's admission regarding the availability of four rooms in the rear portion of the property, which had been got vacated in the year 2006 and were admittedly lying vacant. The learned RC has also considered the fact that the availability of such accommodation had not been disclosed in the Eviction Petition and that the explanation regarding its alleged unsuitability or dilapidated condition was sought to be advanced subsequently in the cross-examination and was not pleaded at the relevant stage. This Court



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finds no infirmity in the appreciation of the aforesaid material by the learned RC so as to warrant interference in the present proceedings.

22. It is relevant to note that the challenge raised by the Petitioner essentially proceeds on the premise that the evidence ought to have been appreciated differently. However, the existence of another possible view is not a ground for interference under the proviso to Section 25-B(8) of the DRC Act. Unless the findings returned are shown to be wholly unsupported by the material on record or are so unreasonable as to warrant their characterisation as perverse, this Court would not be justified in exercising its revisional jurisdiction to supplant the conclusions of the learned RC with its own.

23. Having examined the Impugned Judgment in the aforesaid light, this Court is unable to discern any jurisdictional error, material irregularity, manifest illegality or perversity in the approach adopted by the learned RC. The findings returned are based upon an appreciation of the pleadings and evidence on record and cannot be said to be so unreasonable or implausible as to warrant interference in the limited revisional jurisdiction of this Court.

24. Consequently, this Court finds no merit in the present Petition and the same is, accordingly, dismissed.

25. The present Petition, along with pending application(s), if any, stands disposed of in the above terms.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 03, 2026/tk/ma