



2026:DHC:7492



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 03.09.2026**# **CNR No. DLHC010061122026**

+ RC.REV. 52/2026, CM APPL. 11353/2026 (Stay) &amp; CM APPL. 11354/2026 (Ex. From filing certified copies of annexures)

MANISH S. KUMAR &amp; ANR. ....Petitioners

Through: Mr. Mohit Chaudhary, Mr. Kunal Sachdeva, Ms. Mansi Mehta &amp; Ms. Eisha Jain, Advocates.

versus

SUDHIR SAPRA .....Respondent

Through: Mr. Sanjiv Bahl, Senior Advocate with Mr. Vikrant Arora &amp; Ms. Aastha Sapra, Advocates.

**CORAM:**  
**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR**% **JUDGEMENT (Oral)**

1. The present Revision Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958**<sup>1</sup>, seeks setting-aside of the **Judgment dated 19.08.2025**<sup>2</sup>, passed by the **learned CCJ-cum-ARC (Central), Tis Hazari Courts, Delhi**<sup>3</sup> in Eviction Petition, being RC ARC 466/2022, titled as “*Sh. Sudhir Sapra v. Sh. Manish S. Kumar & Anr.*”.

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<sup>1</sup> DRC Act

<sup>2</sup> Impugned Judgement

<sup>3</sup> Learned ARC



2. By way of the Impugned Judgement, the Application seeking leave to defend filed by the Petitioner came to be dismissed and, consequently, an Eviction Order in favour of the Respondent with respect of tenanted being, **Shop No. XIII-5122, Harphool Singh Building, Subzi Mandi, Clock Tower, Delhi-110007<sup>4</sup>** came to be passed.

**SUBMISSIONS ON BEHALF OF THE PARTIES:**

3. Learned counsel appearing on behalf of the Petitioners, at the outset, submits that the challenge to the Impugned Judgment is confined to two aspects. *First*, it is contended that the requirement pleaded by the Respondent is not *bona fide*. *Second*, it is contended that the Respondent has reasonably suitable alternative accommodation available to him and, therefore, the learned ARC erred in declining leave to defend on this aspect.

4. Learned counsel for the Petitioners, on the aspect of *bona fide* requirement, submits that the requirement projected in the Eviction Petition was founded upon the alleged need of the Respondent's daughter for establishing an office for carrying on her legal practice. It is submitted that, during the pendency of the present proceedings it has come to the knowledge of the Petitioners that there has been a subsequent development, inasmuch as the daughter of the Respondent has since left India and has also relinquished her Indian citizenship. Learned counsel submits that, in these circumstances, the very foundation upon which the requirement was projected no longer survives.

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<sup>4</sup> Subject premises



5. Learned counsel further submits that reasonably suitable alternative accommodation is available immediately adjacent to the Subject premises, being **Shop No. 5123, Ground Floor, Harphool Singh Building, Subzi Mandi, Clock Tower, Delhi-110007**<sup>5</sup>. It is submitted that the said shop is lying vacant, which is *prima facie* borne out from the photographs as well as the electricity bills reflecting zero consumption. Learned counsel for the Petitioners submit that the aforesaid material, placed before the learned ARC, at the very least, raises a serious triable issue with respect to the availability of alternative accommodation, which the learned ARC failed to appreciate in its proper perspective.

6. **Per contra**, learned senior counsel appearing on behalf of the Respondent supports the Impugned Judgment in its entirety.

7. Learned senior counsel for the Respondent, controverting the submission concerning the present status of the daughter of the Respondent, submits that the same is an assertion made for the first time across the Bar and is neither supported by any pleading nor by any material forming part of the record. He submits that no such ground was either urged before the learned ARC or taken in the present Revision Petition. The said submission, therefore, cannot furnish a basis for interference with the Impugned Judgment, particularly in exercise of the limited revisional jurisdiction of this Court.

8. Learned senior counsel for the Respondent submits that insofar as the alleged availability of alternative accommodation is concerned, the learned ARC has considered, in considerable detail, each of the

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<sup>5</sup> Adjacent Shop



properties relied upon by the Petitioners and has recorded cogent reasons for concluding that none of them constitutes reasonably suitable alternative accommodation for the requirement pleaded by the Respondent.

9. Learned senior counsel for the Respondent submits that the learned ARC has particularly dealt with the suitability of the Adjacent Shop as a reasonable alternative accommodation and has correctly held that the same is not in the exclusive ownership or possession of the Respondent and is, in fact, co-owned with his brother, and currently occupied by his brother.

10. It is submitted that the aforesaid finding being the correct factual position, and having being accordingly dealt with by the learned ARC, the said premises cannot be regarded as accommodation available to the Respondent for the purpose of satisfying the requirement pleaded in the Eviction Petition.

11. Learned senior counsel for the Respondent, therefore, submits that the findings returned by the learned ARC are based on a proper appreciation of the pleadings and material on record and neither suffer from perversity nor disclose any material irregularity warranting interference by this Court in exercise of its jurisdiction under Section 25-B(8) of the DRC Act.

**ANALYSIS:**

12. This Court has heard learned counsel appearing on behalf of the parties, and, with their able assistance, perused material available on record, including the relevant documents as well as the Impugned Order.



13. 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 25-B(8) of the DRC Act.

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

15. 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.*<sup>9</sup>, and *Sanjeev Hiranandani v. Sunny Grover*<sup>10</sup>.

16. 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 Rent Controller 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 Rent

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<sup>6</sup> (1998) 8 SCC 119

<sup>7</sup> (2014) 9 SCC 78

<sup>8</sup> (2022) 6 SCC 30

<sup>9</sup> 2024:DHC:9322

<sup>10</sup> 2025:DHC:11285



Controller 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.”

17. 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 25-B(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 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.

18. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25-B(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 Order



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.

19. 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 Order are required to be examined.

20. In order to appreciate the challenge raised by the Petitioners, it would first be apposite to advert to the findings returned by the learned ARC on the two aspects which arise for consideration in the present Revision. The relevant observations are extracted herein below:

“13. In the present petition, it is submitted that the demised premises is bona fide required by the petitioner for his daughter namely Ms. Aastha Sapra to be used as her office as she is a practising lawyer. It is submitted the demised premises is situated in busy locality of Sabzi Mandi having heavy footfall, and is also in vicinity of Tis Hazari Court, and thus it would be easy for Ms. Aastha Sapra to commute to Court from her office and vice versa. It is submitted that Ms. Aastha Sapra requires a reasonable space of around 100 sq. ft. for her personal chamber, and also needs space for her staff including clerk, peon etc, and additional space to keep files and physical library as well as conference room. It is further submitted that since the tenanted premises are on ground floor it would be convenient for old, infirm and ill clients to visit the office of Ms. Aastha Sapra. Further, that professional sign board and visage of office would also be clearly visible from the main road and would attract potential clients. Further, that daughter of petitioner is dependent on petitioner for the purpose of commercial space.

14. In these circumstances explained in the petition, though the bona fide requirement is opposed by the respondents, this court is



of the opinion that if the petitioner requires the demised premises in order to help his daughter establish her career as lawyer and earn her livelihood, then such requirement cannot be said to be fanciful or whimsical desire. It is well settled proposition of law that a landlord can bring a petition under Section 14(1)(e) of DRC Act for the requirement of his/her children. It has been held in a catena of judgments that it is considered a moral duty of parents to settle their children, and as such, a petition filed by landlord for his/her son or daughter is maintainable under Section 14 (1) (e) of DRC Act. It was held in case of **Labhu Lal v. Sandhya Gupta, 2011 (1) RCR (Rent) 231 (Delhi)** that “the children are very much dependent on the landlord for the purpose of setting up their business and such a requirement is bona fide.” Observations of the Hon'ble High Court of Delhi in case of **Ravinder Singh v. Deepesh Khorana, MANU/DE/6474/2012**, are equally relevant wherein it was held that “[E]ven in the instant case, the son of the respondent is unemployed and is dependent on respondent for his livelihood. It is nothing but bona fide for the respondent to require the suit shop to set up a computer business for his son and to help him find a source of income and subsequently settle down in life.” Reliance is also placed on the judgment of **Sunder Singh Talwar v. Kamal Chand Dugar, 2018 SCC Online Del 8376**, wherein it was held that there can be no reason as to why the father would not like to settle his daughter in business or profession in the same way as he would like to settle his son. In view of the same, no mala fide is found in the requirement of the demised premises by the petitioner.

15. As already discussed, it is a settled law that court must presume the bona fide requirement of the landlord and that the burden to refute such presumption squarely lies on the tenant who is to disclose such facts as would disentitle the landlord from obtaining an eviction order. However, the respondents have not brought on record any such ‘fact’ as would refute the presumption of the bonafide nature of the requirement disclosed by the petitioner. There is nothing in the leave to defend application to show that the requirement of the demised premises by the petitioner is not bonafide, genuine, sincere or honest. As regards this criterion therefore, respondents have not raised any triable issue.

16. Coming now to the third ingredient of availability of other suitable alternate accommodation, it is to be noted that to entail denial of the claim of the landlord, an alternate accommodation must be reasonably suitable, in comparison with the suit accommodation. The Hon'ble Supreme Court in the **Shiv Sarup Gupta v. Dr. Mahesh Chand Gupta, AIR 1999 SC 2507** has held . that for an eviction petition to fail on the ground of availability of alternate suitable accommodation, the availability of another accommodation shall be suitable as well as convenient in all



respects as the tenanted accommodation from which the landlord seeks eviction of the tenant. **17.** In the present application for leave to defend, it is contended by the respondents that the petitioner is in possession of ground floor shop No. 5123, Harphool Singh Building, Subzi Mandi, Delhi, and that the said shop is lying vacant and is not occupied by his brother Sh. Pradeep Sapra. They have relied upon photographs in support of this contention. Further, alongwith the rejoinder they also filed copy of electricity bills of the said shop showing Zero consumption of units to show that the property is lying vacant. On the other hand, the petitioner has averred in the petition as well as in reply to leave to defend application that the said shop No. 5123 is occupied by his brother Pradeep Sapra, who is co-owner of the said shop.

**18.** Though, the respondents have relied upon photographs in support of their contention that the said shop is in possession of the petitioner and is lying vacant, it is to be noted that these photographs merely show a shutter down shop and cannot establish that petitioner is in exclusive possession of the said shop. Further, as far as the electricity bills is concerned since the same were filed after filing of the Leave to defend application and no permission was taken to bring the same on record, these cannot be considered to decide the present application. Even if for a moment, these electricity bills are considered, the same in fact goes against the respondents as these bills reflect that the electricity connection qua the said property No. 5123 is in the name of Pradeep Sapra i.e. brother of the petitioner. Hence, the said electricity bills, even if considered, supports the case of the petitioner that the said shop is being used and occupied by another co-owner. Since the said shop is being used/occupied by another co-owner, the petitioner cannot be expected to compel such co-owner to vacate such shop and hand over the exclusive possession of the same to the petitioner. Hence, the said shop cannot be said to be as convenient in all respects as the tenanted premises and thus, cannot be considered to be alternate accommodation available to the petitioner. As such, as regards the availability of the afore-mentioned property with the petitioner, no triable issue arises.”

**(Emphasis supplied)**

21. A perusal of the Impugned Judgment shows that the learned ARC has considered the claim of *bona fide* requirement as pleaded by the Respondent, *namely*, the requirement of the Subject premises for his daughter, Ms. Aastha Sapra, for establishing an office for carrying on her legal practice. The learned ARC has also taken into



consideration the reasons furnished for seeking the ground-floor premises, including its proximity to the Tis Hazari Courts, accessibility to clients and visibility from the main road. Upon consideration of the pleadings and material placed before it, the learned ARC found no circumstance which would render the requirement fanciful, whimsical or lacking in *bona fides*.

22. Learned counsel for the Petitioners, however, seeks to assail the aforesaid finding on the basis of an alleged subsequent development, *namely*, that the daughter of the Respondent has since left India and relinquished her Indian citizenship. This submission cannot, in the present proceedings, be given the effect sought to be attributed to it. The alleged subsequent development neither formed part of the proceedings before the learned ARC nor has any material in support thereof been placed before this Court. More importantly, the Petitioners seek to introduce a fresh factual circumstance at the revisional stage for the purpose of displacing a finding which was returned by the learned ARC on the basis of the pleadings and material then before it. Apart from being a statement across the bar, nothing has been placed on record, not even an averment to this effect.

23. In the absence of any such material forming part of the record, this Court cannot proceed on the basis of an assertion made across the Bar so as to hold that the requirement, which was found to be *bona fide* by the learned ARC, has ceased to exist.

24. The scope of the present proceedings under Section 25-B(8) of the Act, as discussed hereinbefore, does not permit this Court to undertake such a fresh factual enquiry, particularly when the alleged subsequent circumstance itself is disputed or unsupported by the



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record.

25. The challenge with respect to alternative accommodation also does not merit interference. The Petitioners had relied upon, *inter alia*, the Adjacent Shop, being Shop No. 5123, lying vacant and, therefore, being available to the Respondent for satisfying the requirement pleaded in the Eviction Petition.

26. The learned ARC has considered this objection in detail. The Respondent had specifically pleaded that the Adjacent Shop was occupied by his brother, Pradeep Sapra, who was also a co-owner thereof. The photographs relied upon by the Petitioners were found by the learned ARC to depict no more than a shuttered shop and, therefore, not to establish the Respondent's exclusive possession thereof. The learned ARC also declined to rely upon the electricity bills subsequently filed with the rejoinder, *inter alia*, on the ground that the same had been placed on record without obtaining permission. Significantly, even those bills reflected the electricity connection in the name of Pradeep Sapra, thereby lending support to the Respondent's assertion regarding the co-owner's connection with the premises.

27. The aforesaid reasoning cannot be said to suffer from any infirmity warranting interference in revision. The mere fact that a premises may be lying shuttered or may have negligible or nil electricity consumption does not, by itself, establish that the premises is in the exclusive possession of the landlord or is available to him for satisfying the requirement pleaded in the Eviction Petition. The learned ARC was required to examine not merely the physical status of the premises but whether it constituted accommodation reasonably



available to the Respondent. Upon considering the material placed before it, the learned ARC concluded that the Adjacent Shop, being co-owned and occupied by the Respondent's brother, could not be treated as reasonably suitable alternative accommodation available to the Respondent.

28. Learned counsel for the Petitioners has essentially sought to invite this Court to take a different view of the photographs and electricity bills and to draw an inference contrary to that drawn by the learned ARC. Such an exercise would necessarily entail re-appreciation of the material on record and substitution of the factual conclusion reached by the learned ARC with another possible conclusion. The same is plainly outside the limited scope of revisional jurisdiction under the proviso to Section 25-B(8) of the Act.

29. It is also pertinent that the learned ARC has not proceeded merely on the principle that the landlord is the best judge of his requirement. The learned ARC has examined the specific objection regarding the Adjacent Shop and has furnished reasons for concluding that the said premises was not available to the Respondent in a manner which could satisfy the requirement pleaded by him. The Petitioners have not demonstrated that the said conclusion is perverse, unsupported by the material on record, or otherwise suffers from any jurisdictional or material error.

30. Thus, on both aspects urged before this Court, *namely*, the *bona fide* requirement and the availability of reasonably suitable alternative accommodation, the learned ARC has undertaken the requisite examination of the pleadings and material placed before it and has returned findings supported by reasons. No material has been shown



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which would warrant the conclusion that the learned ARC failed to exercise the jurisdiction vested in it or adopted a decision-making process suffering from any manifest illegality or material irregularity.

31. The subsequent assertion concerning the daughter of the Respondent, as noticed hereinabove, cannot alter this position, particularly when the same is unsupported by the record and would require this Court to undertake a fresh factual enquiry. Likewise, the challenge concerning the Adjacent Shop essentially seeks a re-appreciation of the material already considered by the learned ARC.

**DECISION:**

32. This Court, therefore, finds no perversity, jurisdictional error, material irregularity or error apparent on the face of the record in the Impugned Judgment so as to warrant interference in exercise of the revisional jurisdiction under Section 25-B(8) of the Act.

33. Accordingly, the present Revision Petition, being devoid of merit, is dismissed.

34. The present Revision Petition, along with all pending Application(s), if any, stands disposed of in the aforesaid terms.

**HARISH VAIDYANATHAN SHANKAR, J.**  
**SEPTEMBER 03, 2026/v/DJ**