



2026:DHC:6284



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 04.08.2026**# **CNR No. DLHC010193712026**+ **RC.REV. 160/2026 & CM APPL. 29650/2026 (Stay)****CHANDER SEPAHI**

.....Petitioner

Through: **Mr. Mohak Jain and Mr. Rahul Kumar Sharma, Advocate along with Petitioner in person.**

versus

JITENDER SINGH

.....Respondent

Through: **Mr. Rohit Goel, Mr. Mithilesh Jha and Ms. Sanskriti Nimbekar, Advocates.****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**, seeking to challenge the **Order dated 19.02.2026²** passed by the learned **Additional Rent Controller (West), Tis Hazari Courts, Delhi³** in **ARC No. 65/2020⁴** titled as *"Sh. Jitender Singh v. Sh. Chander Sepahi"*.

2. Learned counsel appearing on behalf of the Petitioner has

¹ DRC Act

² Impugned Order

³ learned ARC

⁴ Eviction Petition



confined his challenge to three aspects. Firstly, it is contended that the Respondent has failed to establish the existence of a landlord-tenant relationship since the Will allegedly executed by Late Shri Mehnga Singh, on the basis whereof the Respondent claims ownership of the tenanted premises, is itself under serious dispute.

3. Secondly, it is submitted that the Respondent has failed to establish any *bona fide* requirement of the tenanted premises and the eviction petition has merely been instituted with a view to ultimately dispose of the property.

4. Lastly, it is urged that the site plan placed on record by the Respondent is incorrect and, therefore, the eviction petition itself was liable to fail.

5. **Per contra**, learned counsel appearing on behalf of the Respondent supports the Impugned Order and submits that every contention urged by the Petitioner has been duly considered and dealt with by the learned ARC.

6. It is contended that the Impugned Order records cogent reasons while rejecting each of the objections raised by the Petitioner and does not suffer from any illegality, perversity or material irregularity warranting interference in the limited revisional jurisdiction of this Court.

7. This Court has heard learned counsel appearing on behalf of the parties and perused the material available on record, including the Impugned Order.

8. 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



2026:DHC:6284



proviso to Section 25B(8) of the DRC Act.

9. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*⁵, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁶, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁷, 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.

10. 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.*⁸, and *Sanjeev Hiranandani v. Sunny Grover*⁹.

11. In *Abid-Ul-Islam* (supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25B 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 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:

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



“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.”

12. 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 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.

13. 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 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.

14. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged on behalf of the Petitioner against the Impugned Order are required to be examined.

15. The first contention urged by the learned counsel for the Petitioner pertains to the existence of the landlord-tenant relationship. Since the challenge is directed against the findings returned by the learned ARC on the said issue, the relevant findings recorded in the Impugned Order are reproduced hereunder:

“(i). LANDLORD-TENANT RELATIONSHIP:-

15. In the present case the relationship of landlord and tenant has been disputed by the respondent on the ground that he is not the tenant of the petitioner rather he was paying rent to Late Sh. Menga Singh, who was the grandfather of the petitioner and that after his death, his sons namely Sh. S. Swaran Singh (Father of the petitioner) and Kamal Singh (Uncle of petitioner) became the joint owners of the tenanted premises and there was dispute between them as to who will receive the rent. Moreover, the petitioner never disclosed himself to be the sole owner of the tenanted premises and never demanded the rent from him.

16, The law in this regard is very clear that the tenant cannot the dispute the title of the landlord or his successor-in-interest i.e. he is estopped from challenging the ownership or denying the title of the landlord. The principle is very clear that once a tenant is always a tenant and in the present case it has not been disputed that the respondent has come into the premises as a tenant and therefore, it is not open for him to challenge the title or the ownership of landlord or his successor-in-interest. Further, the petitioner herein has a better title than that of the respondent. The contention that a false and manipulated Will has been filed is also devoid of any merits. In this context the reliance is placed on **Sh. Bharat**



Bhushan Vs. Aarti Teckchandani 2008 (153) DLT 247; wherein it was laid down:-

"The concept of ownership in a landlord-tenant litigation governed by the Delhi Rent Control Act, has to be distinguished from the one in a title suit. If the premises was let out by a person and after his death, the premises has come in the hands of a beneficiary under a Will, the tenant has no right to challenge the title of such a beneficiary. If on the death of the original owner the tenant has any doubt as to who was the owner of the premises, he is supposed to file an interpleader suit impleading all the legal heirs of the deceased and ask the Court to decide as to who shall be the landlord/owner after the death of the original owner. Where no interpleader suit is filed by the tenant and the tenant continues in possession after the death of the original owner without demur and without raising an objection against the person, who claims to have inherited the property under the Will, he later on cannot challenge the ownership of such a person. It is not the domain of the tenant to challenge the Will of the deceased landlord. If a landlord is able to show that there is a testament in his/her favour, he/she is deemed to have discharged his/ burden of proving the ownership under the Act."

17. Furthermore, even if it is presumed that there was some dispute between the legal heirs of late Sh. Mehnga Singh qua the tenanted premises, it is a question which should be decided between them in appropriate proceedings and the same is not available for the tenant as a defence in the proceedings U/Sec. 14(1)(e) of D.R.C. Act. To quote the Hon'ble High Court of Delhi in **Rajender Kumar Sharma Vs. Smt. Leela Wati 155 (2008) DLT 383;**

"... it is settled law that for the purpose of Sec. 14 (1) (e) of Delhi Rent Control Act, a landlord is not supposed to prove absolute ownership as required under Transfer of Property Act. He is required to show only that he is more than a tenant."

18. In this regard, it is pertinent to mention the settled position of law ie., even one co-owner can file a petition U/Sec. 14 (1) (e) of the D.R.C. Act and there is no requirement of impleading all the co-owners. Reliance in this regard is placed on the decision of the Hon'ble Supreme Court of India in **Dhanna Lal Vs. Kalawati Bai & Ors. (2002) 6 SCC.**

19. Hence, so far the existence of the relationship of landlord and



tenant between the petitioner and respondent is concerned, the same is held to be established in view of the above discussions and pronouncement and respondent has failed to substantiate anything contrary.”

16. A perusal of the aforesaid findings reveals that the learned ARC rejected the Petitioner's contention primarily on the ground that the tenancy under Late Shri Mehnga Singh was never disputed and that the challenge raised by the Petitioner was confined to the genuineness of the Will relied upon by the Respondent. The learned ARC further held that for the purposes of proceedings under Section 14(1)(e) of the DRC Act, the landlord is only required to establish a title superior to that of the tenant and not absolute ownership of the premises.

17. This Court finds no infirmity in the aforesaid reasoning. Admittedly, the Petitioner's induction into the premises as a tenant under Late Shri Mehnga Singh is not in dispute. Therefore, the controversy sought to be raised by the Petitioner relates only to the authenticity of the testamentary document through which the Respondent claims succession and such a dispute is essentially *inter se* between the legal heirs of Late Shri Mehnga Singh and cannot ordinarily be permitted to be raised by the tenant as a defence to an eviction petition under Section 14(1)(e) of the Act. The learned ARC has, therefore, rightly concluded that the relationship of landlord and tenant stood established.

18. The next contention urged by the learned counsel for the Petitioner is that the Respondent has failed to establish any *bona fide* requirement and that the eviction petition has merely been instituted to facilitate sale of the property. It is also contended that the Respondent already has sufficient accommodation available to him.



2026:DHC:6284



19. The learned ARC has considered the said contention in the following manner:

“(i) BONAFAIDE REQUIREMENT AND (iii). REASONABLY SUITABLE ALTERNATIVE ACCOMMODATION:

20. The other requirement is that the premises should be required for the bona fide need of the landlord/petitioner and it is the case of the petitioner that he requires the tenanted premises for the residence of himself and his family members and for this purpose he wants to get the entire premises vacated in which the other tenants are also residing in other rooms and for two other rooms situated in the said property, he has already acquired the eviction orders, one is dated 06.09.2023 and other is of 21.10.2021. In this regard, it is contended by the respondent that the rest of the building in question is lying vacant and thus, all floors of the house in which petitioner is residing currently, these all are available for the petitioner for his and his family's residence. The petitioner has also taken objection to the fact that the rooms constructed thereon the disputed property are in dilapidated and inhabitable condition.

21. However, it has already been made clear by the petitioner in the petition that his current address belongs to his father which clearly means that petitioner is only a permissive user without any right/title, hence, the same cannot be treated as an alternative accommodation. Furthermore, it is well settled that the tenant cannot dictate to the landlord how much space is adequate for the landlord or how best to use the tenanted premises or even to adjust in some other premises. Qua this, reliance is being placed upon the decision of the Hon'ble High Court of Delhi in case of **Praveen and Anr. Vs. Mulakh Raj & Ors. RC Rev. 417/2016** wherein it was held that "*the Hon'ble Supreme Court as well as this Court has repeatedly held that the Courts are not to sit in the armchair of the landlord and dictate as to how the available property of the landlord is to be best utilized by him. The landlord is the absolute owner of his property and is the best person to decide which property is to be utilized in what way. The respondent cannot dictate as to how the landlord is to utilize his property. The landlord possesses the prerogative to determine their specific requirements, exercising full autonomy in this regard. (Residential or commercial use)*". Further, the Hon'ble Supreme Court also in **Balwant Singh Vs. Sudershan Kumar (2021) 15 SCC 75**; has held that "*it is not for the tenant to dictate how much space is adequate for the proposed business venture or to suggest that the available space with the landlord will be adequate.*"

22. Similarly, in **Ragavendra Kumar Vs. Prem Machinery &**



Co. (2000) 1 SCC 679; it was held by the Hon'ble Supreme Court that the "*landlord is the best judge of his requirement for residential or business purpose and he has got complete freedom in the matter:*" Also, in **Baldev Singh Bajwa Vs. Monish Saini (2005) 12 SCC 778**; it was held that by the Hon'ble Supreme Court that "*whenever landlord seeks eviction of the tenant for bonafide need, the Controller shall presume the need as genuine and bonafide. Additionally, the burden to refute such presumption squarely lies on the tenant and mere assertion on the part of tenant is insufficient.*" Hence, the assertion of the respondent that the other available space as indicated by him his suitable enough for the petitioner is not sufficient for raising a triable issue. Neither the contention that the assertions made by the petitioner regarding the tenanted premises being in dilapidated condition has any value because this petition will be judged irrespective of that fact and hence, such arguments/submissions does not have any value to be assigned for deciding leave to defend.

23. Hence, no triable issue is raised by the respondent qua bona fide requirement and the petitioner being in possession of alternative reasonably suitable accommodation."

20. The aforesaid findings demonstrate that the learned ARC has examined the plea of *bona fide* requirement in the backdrop of the averments contained in the eviction petition as well as the objections raised by the Petitioner and upon appreciation of the material on record, the learned ARC concluded that the accommodation presently occupied by the Respondent belongs to his father and that the Respondent is merely a permissive user thereof. Consequently, the said premises could not be regarded as reasonably suitable alternative accommodation available to the Respondent.

21. In the considered opinion of this Court, the learned ARC has correctly appreciated that the Respondent's existing occupation of premises belonging to his father cannot, by itself, defeat the Respondent's claim for eviction.

22. Equally, the contention that the Respondent seeks eviction only with an intention to sell the property has also been adequately



addressed by the learned ARC, by rightly observing that in the event, the Respondent, after obtaining an order of eviction, transfers or otherwise alienates the premises within the period prescribed under Section 19(2) of the DRC Act, the tenant is entitled to prefer an application bringing the same in the notice of the learned ARC for such orders as the learned ARC may pass.

23. Furthermore, with respect to the contention of the learned counsel for the Petitioner that a false site plan has been filed, that too has been taken care of by the learned ARC in the following manner:-

“26. The other such futile contention raised by the respondent in his leave to defend is that the measurement of tenanted room occupied by him is wrong and false site plan has been filed by the petitioner. However, to refute the claim of the petitioner, the respondent has not filed his own site plan nor has he relied on any other such document to give weight to his claim regarding the correct measurement of the tenanted premises. Hence, in absence of same, the mere bald averment is bereft of any significance being inconsequential.”

24. From a reading of the aforementioned reasoning, this Court finds itself in agreement with the learned ARC. It is rightly held that except making a bald assertion that the site plan filed by the Respondent was incorrect, the Petitioner neither placed an alternative site plan on record nor produced any material to substantiate the said plea.

25. Having independently considered each of the submissions advanced on behalf of the Petitioner and the findings recorded by the learned ARC, this Court finds that the Impugned Order neither suffers from any jurisdictional error nor discloses any illegality, material irregularity or perversity warranting interference in exercise of the limited revisional jurisdiction under Section 25B(8) of the DRC Act.



26. Accordingly, finding no merit in the present Petition, the same is dismissed.

27. Pending application(s), if any, shall also stand disposed of.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 04, 2026/nm/jk