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

Date of decision: 07.10.2026

CNR No. DLHC010230692026

+ RC.REV. 179/2026, CM APPL. 34721/2026 (Stay) & CM APPL. 34742/2026 (Addl.Doc)

NIRANJAN MAJUMDARPetitioner
Through: Mr. Rishabh Kapur and Ms.
Priyanshi Goel, Advocates.
versus

TEJPAL (SINCE DECEASED) THROUGH LRS & ORS.
.....Respondents
Through: Mr. Atul Verma, Advocate.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **JUDGEMENT (Oral)**

1. The present Rent Control Revision Petition has been filed under Section 25B(8) of the Delhi Rent Control Act, 1958 [**“DRC Act”**], assailing the Judgment dated 23.09.2025 [**“Impugned Judgment”**] passed by the learned ACJ cum CCJ cum ARC, South East District, Saket Courts, New Delhi [**“learned ARC”**] in RC ARC 50/2020, titled *“Tejpal & Ors. v. Niranjana Majumdar”*.

2. Learned counsel appearing on behalf of the Petitioner has confined his challenge to the Impugned Judgment on the following two grounds:

- i. *Firstly*, it is submitted that the Eviction Petition instituted by the Respondents herein stood abated upon the demise of



Respondent no.1 herein during the pendency of the Eviction Petition, inasmuch as his legal heirs were not brought on record.

ii. *Secondly*, it is submitted that the learned ARC failed to take into consideration the existence of a fourth floor in the premises where the Respondents are residing, which, according to the Petitioner, was a material aspect bearing upon the *bona fide* requirement pleaded in the Eviction Petition.

3. **Per contra**, learned counsel appearing on behalf of the Respondents submits that the sons of Respondent no.1 were already parties to the original Eviction Petition and were arrayed as Petitioner nos. 2 to 5 in the Eviction Petition. It is submitted that, upon the demise of Respondent no.1, the property would devolve upon his sons by virtue of succession and, consequently, the continuation of the proceedings by the said legal heirs cannot be faulted merely on the ground that the wife of Respondent no.1 was not separately impleaded. The relevant portion of the Impugned Judgment reads as under:

“Ownership and Landlord-Tenant Relationship Between the Parties

14. No dispute has been raised by the respondent regarding ownership of petitioners to suit property nor landlord-tenant relationship between the parties has been objected to. Further, during the course of the trial, petitioner no.1 had expired and the present matter is being pursued by petitioner no. 2 to 5, who are sons of petitioner no.1. Thus, the legal heirs of petitioner no.1 are already on record, however, it was contended by Learned counsel for respondent during arguments, that wife of petitioner no.1, being his LR, shall be impleaded as party. Per contra, the version of the petitioners is that they being sons/LRs petitioner no.1 are already on record as parties to the present petition and their mother is not required to be impleaded.

14.1 It is relevant to state that the position of law with respect to the aforesaid issue is very much clear, as per authority laid down in



case titled **Mohinder Prasad Jain Vs. Manmohan Lal Jain (2006) 2 SCC 724**. It has been held that one of the co-owners can file a petition for eviction and the consent of the co-owner would be assumed as taken unless it is shown that the other co-owner is not agreeable to eject the tenant and the petition was filed in spite of disagreement.

14.2 The case of respondent is not that there is disagreement between petitioner no.2 to 5 and their mother regarding seeking his eviction from tenanted premises. Therefore, the aforesaid contention also does not hold any merit. Further, in view of above discussion, **no triable issue arises with respect to ownership of petitioners with respect to the tenanted premises and also, regarding the landlord-tenant relationship between the parties in the present matter.**

4. Learned counsel for the Respondents further submits that there is no infirmity in the consideration by the learned ARC of the accommodation available to the Respondents. It is submitted that the fourth floor, which is alleged by the Petitioner to have been ignored, was in fact shown as existing in the premises where the Respondents were already residing and has been considered by the learned ARC in paragraph 18 of the Impugned Judgment. The relevant portion of the Impugned Order is reproduced hereinbelow:

“18. Coming to the facts of the present matter, it has not been disputed by the respondent that the petitioners are a family of 17 members and that they are all residing at a single property. It has very vaguely been stated by respondent in his application seeking leave to defend that all the petitioners are owning properties however, no clarification has been given as to which property is being owned by which of the petitioners. The contention raised on behalf of the respondent, that the tenanted premises are in a dilapidated condition and for that reason, the same could not be used by petitioners for their residence or otherwise, is extremely frivolous as the respondent is meaning to say that the petitioners could not use the said property for its being in bad condition however, there is no issue with him to use the same? Besides that, does that imply that the petitioners should forget about utilizing their property if the same is in a dilapidated condition while the tenant should remain there forever? Also, it is relevant to point out that the case of the petitioners has always been that they seek to



raise a fresh construction as per their need.”

5. This Court has heard learned counsels on behalf of the parties at length, and, with their able assistance, perused the relevant documents as also the Impugned Order.

6. 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.

7. The contours of the aforesaid jurisdiction are well settled. The Hon’ble Supreme Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**¹, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**², and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**³, 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.

8. 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.**⁴, and **Sanjeev Hiranandani v. Sunny Grover**⁵.

9. 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

¹ (1998) 8 SCC 119

² (2014) 9 SCC 78

³ (2022) 6 SCC 30

⁴ 2024:DHC:9322

⁵ 2025:DHC:11285



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:

“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.”

10. 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.



11. 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.

12. 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.

13. As regards the first contention, it is evident from the Impugned Judgment that the learned ARC has specifically considered the effect of the demise of Respondent no.1 during the pendency of the Eviction Petition. It has been noticed that the proceedings were being pursued by Petitioner nos. 2 to 5, i.e. the Respondent nos. 2 to 5 herein, who are the sons of Respondent no. 1, and that they were already on record as parties to the Eviction Petition. The objection raised before the learned ARC, and reiterated before this Court, is essentially that the wife of Respondent no.1, being one of his legal heirs, was not separately impleaded.



2026:DHC:8856



14. In this regard, the reliance placed by the learned ARC upon the judgment of the Hon'ble Supreme Court in ***Mohinder Prasad Jain v. Manmohan Lal Jain***⁶, cannot be said to be misplaced. The Hon'ble Supreme Court has recognised that an eviction petition may be maintained by one of the co-owners and that the consent of the other co-owners may ordinarily be presumed, unless it is shown that such co-owner is not agreeable to the eviction of the tenant and that the proceedings have nevertheless been instituted despite such disagreement. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

“10. This question now stands concluded by a decision of this Court in ***India Umbrella Mfg. Co. v. Bhagabandei Agarwalla*** [(2004) 3 SCC 178] wherein this Court opined: (SCC p. 183, para 6)

“6. Having heard the learned counsel for the parties we are satisfied that the appeals are liable to be dismissed. It is well settled that one of the co-owners can file a suit for eviction of a tenant in the property generally owned by the co-owners. (See ***Sri Ram Pasricha v. Jagannath*** [(1976) 4 SCC 184] and ***Dhannalal v. Kalawatibai*** [(2002) 6 SCC 16] , SCC para 25.) This principle is based on the doctrine of agency. One co-owner filing a suit for eviction against the tenant does so on his own behalf in his own right and as an agent of the other co-owners. The consent of other co-owners is assumed as taken unless it is shown that the other co-owners were not agreeable to eject the tenant and the suit was filed in spite of their disagreement. In the present case, the suit was filed by both the co-owners. One of the co-owners cannot withdraw his consent midway the suit so as to prejudice the other co-owner. The suit once filed, the rights of the parties stand crystallised on the date of the suit and the entitlement of the co-owners to seek ejectment must be adjudged by reference to the date of institution of the suit; the only exception being when by virtue of a subsequent event the entitlement of the body of co-owners to eject the tenant comes to an end by act of parties or by operation of law.”

⁶ (2006) 2 SCC 724



11. A suit filed by a co-owner, thus, is maintainable in law. It is not necessary for the co-owner to show before initiating the eviction proceedings before the Rent Controller that he had taken option or consent of the other co-owners. However, in the event a co-owner objects thereto, the same may be a relevant fact. In the instant case, nothing has been brought on record to show that the co-owners of the respondent had objected to eviction proceedings initiated by the respondent herein. The submission of the learned counsel for the appellant to the effect that before initiating the proceedings, the respondent was required to show that he had experience in running the business in Ayurvedic medicines, has to be stated to be rejected. There is no law which provides for such a precondition. It may be so where a licence is required for running a business, a statute may prescribe certain qualifications or preconditions without fulfilment whereof the landlord may not be able to start a business, but for running a wholesale business in Ayurvedic medicines, no qualification is prescribed. Experience in the business is not a precondition under any statute. Even no experience therefor may be necessary. If the respondent has proved his *bona fide* requirement to evict the appellant herein for his own purpose, this Court may not, unless an appropriate case is made out, disturb the finding of fact arrived at by the Appellate Authority and affirmed by the High Court.”

15. In the present case, significantly, it is not the case of the Petitioner that there is any disagreement between Respondent nos. 2 to 5 and their mother with regard to seeking eviction of the Petitioner from the tenanted premises. Nor has any material been brought on record to demonstrate that the continuation of the Eviction Petition by the sons of Respondent no.1 was opposed by the wife of Respondent no.1 or that any prejudice was occasioned to her on account of her not having been separately impleaded.

16. More importantly, the *bona fide* requirement pleaded in the Eviction Petition was for the residence of the family of the deceased Respondent no.1. The sons of Respondent no.1, through whom the proceedings were continued, were admittedly already parties to the Eviction Petition. In these circumstances, the mere fact that the wife of



Respondent no.1 was not separately brought on record, in the absence of any demonstrated disagreement or prejudice, cannot by itself render the continuation of the Eviction Petition legally infirm. The learned ARC, therefore, cannot be said to have committed any error apparent on the face of the record in rejecting the said objection.

17. The second contention also does not warrant interference. The Petitioner seeks to contend that the existence of a fourth floor in the premises where the Respondents are residing was not taken into consideration by the learned ARC. However, the Impugned Judgment demonstrates that the learned ARC has considered the existing residential accommodation of the Respondents. In particular, the learned ARC has noticed that the Respondents constitute a family of 17 members and that they are residing in a single property. The learned ARC has also dealt with the vague plea raised by the Petitioner that the Respondents were owning other properties, noting that no particulars had been furnished as to which property was owned by which of the Respondents.

18. The learned ARC has further considered the contention that the property sought to be utilised by the Respondents was in a dilapidated condition and, therefore, could not be used for their residence. The learned ARC has noticed, in this context, that the consistent case of the Respondents was to raise fresh construction in the said property in accordance with their requirement. The finding of the learned ARC, therefore, cannot be said to have been returned without due consideration of the existing accommodation or the plea regarding availability of alternative premises.

19. It is trite law that the landlord is the best judge of his or her



residential requirements, and it is not for the tenant or the Court to dictate the manner in which such requirement ought to be met. At the same time, where the tenant seeks to defeat a claim of *bona fide* requirement on the ground of availability of alternative accommodation, the tenant must place sufficient material on record to establish that such accommodation is reasonably suitable for the requirement in question. In the present case, the Petitioner has failed to place any material on record to demonstrate that the fourth floor, even assuming its existence, is reasonably suitable to meet the residential requirement pleaded by the Respondents or that its availability, in any manner, negates the *bona fide* requirement found by the learned ARC.

20. The contention of the Petitioner, in substance, seeks a re-appreciation of the material relating to the fourth floor and the residential accommodation available to the Respondents, with a view to arrive at a conclusion different from that reached by the learned ARC. Such a contention, however, would necessarily require this Court to undertake a fresh appreciation of the material and arrive at its own conclusion regarding the adequacy or suitability of the accommodation available to the Respondents. That exercise is plainly beyond the scope of the jurisdiction conferred upon this Court under the *proviso* to Section 25B(8) of the DRC Act.

21. In view of the aforesaid discussion, this Court finds no jurisdictional error, manifest illegality, material irregularity or perversity in the Impugned Judgment, nor any failure on the part of the learned ARC to adjudicate upon a material aspect warranting interference under the proviso to Section 25B(8) of the DRC Act and,



consequently, the present Petition stands dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 07, 2026/v/ma

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RC.REV. 179/2026

Page 11 of 11