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

Date of decision: 08.09.2026

CNR No. DLHC010422502026

+ **RC.REV. 332/2026, CM APPL. 60569/2026 (Stay), CM APPL. 60570/2026 (Ex. From filing certified copy of the annexures)**

ASHOK KUMAR GUPTA

.....Petitioner

Through: **Mr. Manish Kohli, Mr. Piyush Singhal and Mr. Yogesh Kumar, Advocates.**

versus

POONAM

.....Respondent

Through: **None.**

CORAM:

HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

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JUDGEMENT (Oral)

CM APPL. 60571/2026 (Delay of 42 days in Re-filing the Petition)

1. The present Application, filed under Section 5 of the Limitation Act, 1963 read with Section 151 of the Code of Civil Procedure, 1908, seeks condonation of delay of 42 days in re-filing of the present Petition.
2. For the reasons stated in the present Application, the delay of 42 days in re-filing the present Petition is condoned.
3. The present Application is disposed of in aforesaid terms.

RC.REV. 332/2026

4. The present Petition, filed under the *proviso* to Section 25-B(8)



of the **Delhi Rent Control Act, 1958¹**, seeks to assail the **Judgment dated 19.01.2026²** passed by the **learned Senior Civil Judge-cum-Rent Controller, Shahdara District, Karkardooma Courts, Delhi³** in the **Eviction Petition, being RC ARC No. 115/2024⁴**, titled “*Smt. Poonam vs. Sh. Ashok Kumar Gupta & another*”.

5. By way of the Impugned Judgement, the Application seeking leave to defend filed by the Petitioner was disallowed, and consequently, an Eviction Order was passed in favour of the Respondent, with respect to Tenanted premises, being **Shop No. 5 Ground Floor of Property No. IX/1340, Subhash Road, Gali Hanuman Mandir Wali, Gandhi Nagar, Delhi-110031⁵**.

SUBMISSIONS ON BEHALF OF THE PETITIONER:

6. Learned counsel appearing on behalf of the Petitioner, at the outset, submits that the challenge in the present Petition is confined to the findings returned by the learned RC on two aspects, *namely*, the *bona fide* requirement of the Respondent and the availability of reasonably suitable alternative accommodation.

7. Learned counsel for the Petitioner, elaborating on the first aspect, submits that the finding returned by the learned RC with respect to the *bona fide* requirement of Shri Love Pawar *i.e.*, the Respondent’s son, is erroneous.

8. Learned counsel for the Petitioner submits that the learned RC, while dealing with the Petitioner’s specific contention that Respondent’s son was already engaged in the business of installation

¹ DRC Act

² Impugned Judgement

³ learned RC

⁴ Eviction Petition

⁵ Subject premises



of cameras and internet connections, rejected the said contention principally on the ground that the Petitioner had failed to place on record invoices, GST records, visiting cards, photographs, Income Tax Returns or other documentary material in support thereof.

9. Learned counsel for the Petitioner submits that aforesaid ground of rejecting the Petitioner's contention was erroneous since at the stage of consideration of an Application seeking leave to defend, the Petitioner was not required to conclusively establish the aforesaid factual assertion as though the matter were being adjudicated upon a trial.

10. Learned counsel for the Petitioner submits that by requiring the Petitioner to substantiate this defence through documentary evidence at the threshold, the learned RC has effectively placed upon him the burden of proving his defence before granting him an opportunity to contest the Eviction Petition.

11. Learned counsel for the Petitioner, therefore, submits that the learned RC, by rejecting the aforesaid contention for want of such material, has erroneously declined leave to defend instead of examining whether the defence raised a triable issue.

12. Learned counsel for the Petitioner, elaborating on the second ground of challenge, submits that the Respondent had disclosed the availability of as many as 14 first-floor godowns/store rooms, 15 ground-floor shops situated in **Property No. IX/1340, Subhash Road, Gali Hanuman Mandir Wali, Gandhi Nagar, Delhi-110031**⁶, in their Eviction Petition.

13. Learned counsel for the Petitioner submits that, despite the aforesaid disclosure, the learned RC proceeded to hold that none of

⁶ Property No. IX/1340



the said premises constituted suitable alternative accommodation and that the Subject premises were the only suitable premises available to the Respondent. It is contended that this conclusion rests substantially upon the Respondent's own description of certain premises as "godowns" and the alleged fact of certain premises being already let out, while placing the burden upon the Petitioner to controvert such descriptions.

14. Learned counsel for the Petitioner submits that, the mere description of a premises as a "godown" or the fact that it is under tenancy cannot, by itself, be determinative of its suitability. The nature, size, location, accessibility and actual use of the each of the alternative premises were matters which required proper consideration before arriving at a finding that no alternative suitable accommodation was available to the Respondent.

15. Learned counsel for the Petitioner further submits that the Respondent has also available with her, several other properties which can suitably be used by the alleged *bona fide* requirement, and that the same has not been disclosed by the Respondent in their Eviction Petition.

16. Learned counsel for the Petitioner, therefore, submits that the aforesaid circumstances, taken cumulatively, raise a substantial issue as to the availability of reasonably suitable alternative accommodation with the Respondent. It is contended that the learned RC placed an undue burden upon the Petitioner to disprove the same and, accordingly, submits that the aforesaid aspects, at the very least, raise triable issues warranting grant of leave to defend.

17. No other submissions were advanced by the learned counsel appearing on behalf of the Petitioner.



ANALYSIS:

18. This Court has heard learned counsel appearing on behalf of the Petitioner and, with his able assistance, perused the relevant documents, as also the Impugned Judgment.

19. 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.

20. The contours of the aforesaid jurisdiction are well settled. The Hon'ble **Supreme Court**, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***⁷, ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***⁸, and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***⁹, 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.

21. 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.***¹⁰, and ***Sanjeev Hiranandani v. Sunny Grover***¹¹.

22. 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,

⁷ (1998) 8 SCC 119

⁸ (2014) 9 SCC 78

⁹ (2022) 6 SCC 30

¹⁰ 2024:DHC:9322

¹¹ 2025:DHC:11285



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.”

23. 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.

24. 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.

25. 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.

26. Before advertng to the facts of the present case, for the sake of completeness and clarity, this Court deems it apposite to reproduce the relevant portions of the findings in Impugned Judgement relating to the aspects sought to be challenged by the Petitioner. The same read as under:

“13. Coming to the bonafide requirement of the petitioner, then she has claimed that she requires the tenanted premises for her son, namely, Love Panwar, to start a business of readymade garments. Now, The fact that the petitioner has a son named Sh. Love Pawar, is not disputed by the respondent in his leave to defend application. It is the contention of the respondent that the son of the petitioner is already doing the work of camera installation and internet connection, therefore, the contention of the petitioner that her son is not working at present is false. However, respondent has not disclosed any details such as firm name under which the son of the petitioner is already working. He has also not placed on record any visiting card or photographs of the petitioner’s son while installing camera/internet connection so as to suggest that he is doing any work. Similarly, he has also not placed on record any bills/invoices issued by the son of the petitioner, any GST details of the firm of



the son of the petitioner, any record of Income Tax Return filed by him or any other record/document in support of the said contention. Thus, mere oral averments have been made by the respondent in this regard. Further, the respondent has averred that the husband of the petitioner is also doing his own business of Real Estate and is having a rental income from other properties, therefore, there is no bonafide requirement of the petitioner for the tenanted premises. This averment of the respondent also does not hold any water because the present petition has been filed by the petitioner for her son's requirement and not for her husband's requirement, therefore, the income being earned by the son of the petitioner is to be looked into by the court and not the income of the husband of the petitioner and as already observed hereinabove, the respondent has not placed on record any document in respect of income of the son of the petitioner. In the case of **Prativa Devi V. T.V. Krishnan, (1996) 5 SCC 353**, it was held that the landlord is the best Judge of his requirement and Courts have no concern to dictate the landlord as to how and in what manner he should live. The bona fide personal need is a question of fact and should not be normally interfered with. Thus, placing reliance upon the aforecited decision and in view of the facts and circumstances discussed hereinabove, this court is of the view that no triable issue has been raised by the respondent qua the bonafide need of the petitioner.

14. As far as the availability of alternate suitable accommodation is concerned, then the fact that the tenanted premises is a shop situated in the famous readymade garment market of Gandhi Nagar and thus, would be best suited for the projected need of the petitioner's son is not disputed by the respondent. As evident from the site plan placed on record by the petitioner, the tenanted premises is situated on the ground floor of property no. IX/1340 and is a corner shop. The site plan of the respondent also corresponds to the site plan of the petitioner qua the location of the tenanted premises. Now, it is a well known fact that a shop situated on the ground floor and in a corner would have more footfall of customers than in a shop located at any other floor. Moreover, it is the landlord who is the best judge of his own needs and it is for him to decide as to in which shop he wants to run his business and he cannot be mandated and dictated by the tenant as to in which portion of the property, he needs to run his own business. It has been held in the case of **Viran Wali Vs. Kuldeep Rai Kochhar 174(2010) DLT 328** as under:-

"35. It sounds really strange that owner/landlord should be at the mercy of the tenant for running his own business in the property owned by him as per the dictates of the tenant. It is a well known fact, that any shop situated on the ground floor is more convenient than a shop situated in the basement of the premises. Respondent being the owner/landlord of the premises in question, has all the



right and choice to start his own business in the premises more suitable and most convenient to him.

36. Any business which is being run from the ground floor of the premises, will obviously attract more customers than the business being run from the basement. It is the settled law, that a tenant cannot dictate the landlord as to how and in what manner the landlord should use his own property.

37. Respondent in his eviction petition in clear and unequivocal terms has mentioned about his requirements. It is not only the "mere desire" of the respondent to get the premises vacated but he needs the same for his above stated requirements. So, it cannot be said that respondent does not require the premises for himself and his son dependent upon him for accommodation for the purpose of starting business.

38. The concept of alternate accommodation means that accommodation which is "reasonable suitable" for the landlord. As to alternative accommodation disentitling the landlord to the relief of possession, it has been held time and again that it must be reasonably equivalent as regards suitability in respect to the accommodation he was claiming. The court would permit the landlord to satisfy the proven need by choosing the accommodation which the landlord feels would be most suited for the purpose; the court would not in such a case thrust its own wisdom upon the choice of the landlord by holding that not one but the other accommodation must be accepted by the landlord to satisfy his such need. In short, the concept of bonafide need or genuine requirement needs a practical approach instructed by realities of life. An approach either too liberal or too conservative or pedantic must be guarded against. As long as the landlord is able to establish that he in good faith and genuinely wishes to occupy the premises in possession of the tenant and that good faith or genuineness is of a reasonable man, it would not be open to the Controller to weigh the claim of the landlord in a fine scale and that the viability of the other accommodation will have also to be considered from the stand-point of a reasonable landlord. It is further to be observed that the law does not require the landlord to sacrifice his own comforts and requirements merely on the ground that the premises is with a tenant and for deciding whether or not the alternative accommodation available to the landlord is suitable or not, the social customs, conventions and habits, usage and practices of the society cannot be completely ruled out and termed as irrelevant. The problem had to be approached from the point of view



of a reasonable man and not that of a whimsical landlord.”

15. Thus, placing reliance upon the aforecited decision, this court is of the view that a shop which is situated on the ground floor needs to be viewed from a different perspective as it can attract more customers. Furthermore, the petitioner has categorically stated in her petition that on the ground floor of the property no. IX/1340, out of the 15 shops, only 3 shops bearing private no. 5, 6 and 13 are available whereas the remaining 12 shops have already been sold out. It is also her case that the shop no. 6 is in occupation of a co-sharer namely Sh. Vinod Kumar whereas the shop no. 13 is under joint possession of co-sharer Smt. Laxmi and Sh. Sushil Kumar. Further, that on the first floor, 14 godowns are there which are in the occupation of a tenant namely Jayanti Prasad whereas the second floor is being used for residential purposes. Petitioner has also placed on record copies of rent receipts issued in favour of tenant namely Jayanti Prasad in respect of the seven godowns for which he is paying rent to the petitioner. Thus, evidently, there is no other/alternate vacant accommodation which is exclusively available to the petitioner.

16. On the other hand respondent has merely verbally alleged that the petitioner has other immovable properties which have been concealed by her but he has not disclosed/furnished the details of those other properties. Since, it is the respondent who has alleged the availability of other accommodation with the petitioner, therefore, it was incumbent upon him to furnish its details, however, he failed to do so. Further, it is pertinent to note here that the respondent has admitted in his application for leave to defend that the other co-sharers have sold out 12 shops out of 15 shops within a very short span of time. Also, he has not specifically denied that shops no. 6 and 13 on the ground floor are under the occupation of other co-sharers. Although, in his site plan he has shown that there are shops on the first floor as well but there is no averment to the effect, as to whether these shops are lying vacant and are available with the petitioner. Respondent has also not placed on record any photographs to show that these are in fact shops and not godowns as alleged by the petitioner and thus, can be used by the petitioner. Thus, from the averments of the respondent it is evident that the tenanted premises is the only premises which is available to the petitioner and can be used by her son for his projected need. Thus, this court is of the view that the respondent has also failed to raise any triable issue in respect of availability of alternate accommodation with the petitioner.”

(Emphasis supplied)

27. Adverting to the facts of the present case, the first contention urged on behalf of the Petitioner concerns the *bona fide* requirement



pleaded by the Respondent for her son, *namely*, Shri Love Pawar, for commencing a business of readymade garments. The principal objection of the Petitioner before the learned RC was that the said son was already engaged in the business of installation of cameras and internet connections and, therefore, the plea that he was not engaged in any business was incorrect, and in turn that no *bona fide* requirement therefore existed.

28. The learned RC has duly noticed the aforesaid contention. However, the learned RC found that, apart from the bald assertion made in the Application seeking leave to defend, the Petitioner had not placed any material whatsoever in support thereof. The learned RC has specifically noted the absence of any particulars regarding the alleged business, including the name of any firm, visiting cards, photographs, bills or invoices, GST particulars, Income Tax Returns or any other document which could, *prima facie*, lend support to the assertion that the Respondent's son was already carrying on such business.

29. The submission of learned counsel for the Petitioner that, at the stage of consideration of leave to defend, the Petitioner was not required to conclusively establish his defence, cannot be disputed as a proposition of law. However, that does not dispense with the requirement that the defence sought to be raised must disclose facts and circumstances which, if established, would disentitle the landlord from obtaining an Order of eviction. A mere assertion, unsupported by any particulars or material, cannot, by itself, be elevated to the status of a triable issue.

30. In the present case, the learned RC has found that the assertion remained wholly unsubstantiated and did not disclose even the basic



particulars of the alleged business. This Court finds no infirmity in the aforesaid approach. The finding returned by the learned RC is one based upon the absence of any *prima facie* material supporting the defence and does not disclose any perversity or material irregularity warranting interference in exercise of revisional jurisdiction.

31. Turning to the question of reasonably suitable alternative accommodation, the contention of the Petitioner is essentially founded upon the existence of other portions of the Property No. IX/1340, including the 14 premises on the first floor and the other shops forming part of the property. However, the learned RC has considered the availability of these premises in the context of the specific requirement pleaded by the Respondent.

32. The learned RC has noted that the Subject premises is a shop situated on the ground floor of Property No. IX/1340 and is a corner shop situated in the readymade garment market of Gandhi Nagar locality of Delhi. The learned RC has further noticed that, out of the 15 shops on the ground floor of Property No. IX/1340, only three shops, bearing private Nos. 5, 6 and 13, were stated to be available, while the remaining shops had already been sold. Significantly, Shop No. 6 was stated to be in the occupation of a co-sharer, Shri Vinod Kumar, whereas Shop No. 13 was under the joint possession of the co-sharers, Smt. Laxmi and Shri Sushil Kumar. The learned RC, therefore, found that there was no other vacant accommodation exclusively available to the Respondent on the ground floor.

33. As regards the first floor of Property No. IX/1340, the learned RC has noted that the 14 godowns were in the occupation of a tenant, *namely*, Shri Jayanti Prasad, and that the Respondent had placed on record rent receipts in respect of seven of the said godowns. The



second floor, as noticed by the learned RC, was being used for residential purposes. Thus, the mere existence of these portions cannot, in the absence of vacant and exclusive availability thereof to the Respondent, constitute reasonably suitable alternative accommodation.

34. Learned counsel for the Petitioner had also sought to rely upon the site plan filed by the Petitioner before the learned RC, wherein certain portions on the first floor have been depicted as shops. However, as noticed by the learned RC, the Petitioner neither averred that such portions were lying vacant and were available to the Respondent, nor placed any material, including photographs, to establish that the said portions were in fact shops capable of being utilised for the projected requirement. The mere depiction of a portion in a site plan, without any corresponding factual foundation regarding its vacancy, possession and availability, cannot by itself give rise to a triable issue.

35. Equally, the general allegation that the Respondent has concealed other immovable properties is of little assistance to the Petitioner. Once the availability of alternative accommodation is alleged, the Petitioner was required to furnish at least the particulars of the premises which, according to him, were available to the Respondent and were reasonably suitable for the requirement pleaded. The learned RC has correctly noticed that no such particulars were furnished, and merely verbal assertions were made in this regard, and therefore could not have been considered by the learned RC, so as to raise a triable issue.

36. Further, with respect to the Subject premises, the learned RC has found that it being a ground-floor corner shop situated in the



established readymade garment market of Gandhi Nagar, possesses attributes which render it particularly suitable for the business proposed to be commenced by the Respondent's son. The question of suitability cannot be determined merely by the existence of some other premises, but the alternative accommodation must be shown to be "*reasonably suitable*" for the requirement in question.

37. In this regard, the learned RC has rightly placed reliance upon the settled principle that *the landlord is ordinarily the best judge of the premises* which would suitably answer his *bona fide* requirement. The said principle, however, does not relieve the landlord of the obligation to establish *bona fide* requirement, it merely recognizes that the choice of premises cannot ordinarily be dictated by the tenant where the landlord has otherwise demonstrated a genuine and reasonable requirement.

38. In view of the foregoing discussion, this Court finds that the objections raised by the Petitioner were duly considered by the learned RC. The learned RC has examined both the alleged existing businesses of the Respondent's son and the availability of alternative accommodation and has recorded cogent reasons for concluding that neither objection disclosed a triable issue. The findings cannot be said to suffer from any jurisdictional error, perversity, material irregularity or manifest illegality.

39. In the considered opinion of this Court, what the Petitioner is essentially seeking is re-appreciation of the material relating to the alleged business of the Respondent's son, the nature and availability of the various portions of the property, and the suitability of such portions as against the subject premises. Such an exercise, however, would amount to this Court substituting its own assessment for that of



the learned RC, which is impermissible within the narrow conspectus of the revisional jurisdiction under the *proviso* to Section 25-B(8) of the Act.

40. This Court is, therefore, unable to discern any infirmity in the decision-making process adopted by the learned RC. The conclusion that the Petitioner had failed to raise any triable issue warranting grant of leave to defend is borne out from the pleadings and material placed before the learned RC and does not call for revisional interference.

DECISION:

41. Accordingly, this Court finds no merit in the present Revision Petition. The Impugned Judgment does not warrant any interference in exercise of the jurisdiction vested in this Court under the *proviso* to Section 25-B(8) of the Act.

42. Accordingly, the present Petition, being *sans* merit, stands dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 08, 2026/nd/DJ