



\$~13

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

Date of decision: 10.08.2026

CNR No. DLHC010193052026

+ **RC.REV. 163/2026**

SMT RENU MEHTA & ANR.Petitioners

Through: **Mr. Gaurav Bharadwaj, Ms.
Garima Bharadwaj and Ms.
Anoushka Srivastava,
Advocates.**

versus

SH PRITAM SINGH THROUGH LRSRespondent

Through: **Mr. Kaushal Yadav, Mr. Ritul
Tandon and Mr. Nandlal Kumar
Mishra, Advocates.**

CORAM:

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

% **JUDGEMENT (Oral)**

1. The present Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, challenging the **Order dated 17.11.2025²** passed by the **learned ACJ-cum-CCJ-cum-ARC, East District, Karkardooma Courts, Delhi³**, in **Eviction Petition bearing RC-ARC/132/2016⁴**, titled “*Smt. Renu Mehta & Anr. v. Sh. Pritam Singh (Deceased) through LRs*”, whereby the application seeking leave to defend filed by the Respondent came to be allowed.

¹ DRC Act

² Impugned Order

³ learned ARC

⁴ Eviction Petition



2. The challenge in the present Petition is confined to the aspect of whether the learned ARC was justified in holding that the Respondent had raised triable issues warranting grant of leave to defend and in particular that the learned ARC has erred in treating the existence of certain other accommodations as sufficient to raise a triable issue, without examining whether such accommodations were, in fact, reasonably suitable for the requirement pleaded by the Petitioners. It is submitted that the mere existence of another property cannot, by itself, defeat a claim under Section 14(1)(e) of the DRC Act, particularly when the suitability of such accommodation is itself disputed.

3. He further submits that the alleged non-disclosure of certain properties could not, by itself, have been treated as sufficient to doubt the *bona fide* requirement of the Petitioners or to grant leave to defend.

4. It is submitted that the learned ARC has, in effect, proceeded on the premise that every property allegedly owned by the Petitioners constitutes an alternative accommodation, without examining the nature, location, availability and suitability thereof.

5. In this backdrop, he submits that the learned ARC has travelled beyond the limited enquiry permissible at the stage of considering an application for leave to defend and has proceeded to direct a trial on issues which, according to the Petitioners, do not disclose any genuine triable issue.

6. This Court has heard learned counsel appearing on behalf of the Petitioners and, with his assistance, perused the material available on record, including the Impugned Order.

7. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioners, 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.

8. 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.

9. 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.

10. 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 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



“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.”

11. 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.

12. 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

⁹ 2025:DHC:11285



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.

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

14. Since the challenge is essentially directed towards the decision of the learned ARC to permit the Respondent to contest the Eviction Petition on the ground that triable issues arise, it would be apposite to note the relevant findings recorded by the learned ARC in this regard. The relevant findings are extracted below:

“FINDINGS

13. In the present case, the eviction petition has been filed by the petitioner under Section 14(1) (e) of DRC Act on the ground of bonafide requirement that the tenanted premises is required by the husband of the petitioner.

14. As far as the relationship of landlord-tenant between the parties is concerned, the same is not denied by the respondent. No objection has been taken as to the ownership of the suit premises vesting in favour of the petitioner.

15. Ld. Counsel for the petitioner has relied on case laws which are as follows:-

- (a) **Sh. Ram Gopal vs Sh. Washeshwar Nath (16) 1979 DLT 215**
- (b) **S. Harbant Singh Sahni and Anr vs Smt. Vinod Sikri 189 (2012) Delhi Law Times 215**
- (c) **Freddy Femandes vs P L Mehta 1973 R.C.R 55**
- (d) **Shiv Sarup Gupta vs Mahesh Chand Gupta (1999) 6 SCC 222**
- (e) **V L Kashyap vs R P Puri 1976 (12) DLT 369**
- (f) **Nazeer (Mohd) vs Mohd Zaheer and another 2016 X AD (Delhi) 58**
- (g) **Madan Lal Gupta vs Ravinder Kumar (@001) 1 SCC**



252

- (h) **Ram Babu Aggarwal vs Jay Kishan Das VII (2009) SLT 492**
- (i) **Rakesh Talwar vs Sudesh Gulati 238(2017) DLT 508**
- G) **Prithipal Singh vs Sat Pal Singh (2010) 2 SCC 15**
- (k) **Sanjeev Gupta vs Subhash Kumar Gupta 2014 SCC Online Delhi 4369**
- (l) **Anil Bajaj & Anr vs Vinod Ahuja (2014) 15 SCC 610**
- (m) **Balwant Singh vs Sudarshan Kumar (2021) 15 SCC 75**
- (n) **Abid-ul-Islam vs Inder Sain Dua (2022) 6 SCC 30**

16. Ld. Counsel for the respondent has relied on case laws which are as follows:-

- (a) **Deepak Gupta vs Sushma Aggarwal, 2013 SCC Online Del 2793**
- (b) **Deena Nath vs Pooran Lal, (2001) 5 Supreme Court Cases 705**
- (c) **M/s Geeta Press vs Madhu Rastogi, Civil Appeal NO. 5591 of 2021**
- (d) **Kishan Chand vs Chiman Lal & Others, (2003) 9 SCC 153**

17. I have gone through the case laws carefully relied by the parties in the present petition which are pertaining to the rent jurisprudence.

18. The bonafide requirement as averred by the petitioners is that the husband of petitioner no.1 wants to open a readymade garment showroom in the suit property for which he requires the suit shop as well as the other two shops which are on front side so that readymade garments showroom can be opened by amalgamating all the eight shops in the suit property. As per the petitioners, there is no alternative suitable accommodation for the same.

19. The respondent in his application under Section 25-B of DRC Act disclosed that there are three shops available with the petitioners as narrated in para no. 7 of this order. It is a matter of record that these averments were simply denied by the petitioners in their reply to the application under Section 25-B of DRC Act. Later on, when the additional affidavit was filed by the respondent again laying down the present status of the aforesaid three shops, the petitioners admitted that these three shops are owned by the petitioners including some other shops.

20. The point to be noted here is that it was the bounden duty of the petitioners to disclose all the relevant facts which are necessary for the adjudication of this petition. The petitioners should have not



waited for the respondent to disclose the other accommodations/ premises available with the petitioners. It could also be inferred from the aforesaid facts that there may be some other accommodations available with the petitioners which the respondent does not know and the details of those accommodations has not come on record. On this aspect, para no. 8 of the judgment relied upon by the petitioners themselves in **Freddy Fernandes vs P L Mehta, 1973 R.C.R 55** is relevant, which is as follows:-

"In the present case, bowever, the two localities Nizamuddin and Jangpura are adjacent to each other. Both the localities are residential. Both are in New Delhi and there is nothing to show that there is any ground on which the landloard could have preferred the Nizamuddin house to the Jangpura house. When the landlord files a petition for eviction, he has to prove not only that his need for the premises is bonafide but also that he has no other reasonably suitable accommodation for himself. Both these facts are within the special knowledge of the landlord und the burden of proving them is, therefore, on the landlord in view of Section 106 of the Evidence Act. Since no evidence can be adduced by the landlord except in accordance with his pleading, it is necessary, therefore. that the landlord should make a proper pleading of both of them in the petition for eviction."

21. Further, in **Shiv Sarup Gupta vs. Dr. Mahesh Chand Gupta AIR 1999 SC 2507** decided by the Hon'ble Supreme Court, the following was held in para no. 13:-

"Chambers 20th Century Dictionary defines bonafide to mean 'in good faith: genuine'. The word 'genuine' means 'natural; not spurious; real: pure: sincere'. In Law Dictionary. Mozley and Whit ley define bonafide to mean 'good faith, without fraud or deceit'. Thus the term bonafide or genuinely refers to a state of mind. Requirement is not a mere desire. The degree of intensity contemplated by 'requires' is much more higher than in mere desire. The phrase 'required bonafide' is suggestive of legislative intent that a mere desire which is outcome of whim or fancy is not taken note of by the Rent Control Legislation. A requirement in the sense of felt need which is an outcome of a sincere, honest desire. in contra-distinction with a mere pretence or pretext to eat a tenant, on the part of the landlord claiming to occupy the premises for himself or for any member of the family would entitle him to seek ejectment of the tenant. Looked at from this angle, any setting of the facts and



circumstances protruding the need of landlord and its bonafides would be capable of successfully withstanding the test of objective determination by the Court. The Judge of facts should place himself in the arm chair of the landlord and then ask the question to himself-whether in the given facts substantiated by the landlord the need to occupy the premises can be said to be natural, real, sincere, honest. If the answer be in the positive, the need is bonafide. The failure on the part of the landlord to substantiate the pleaded need, or, in a given case, positive material brought on record by the tenant enabling the court drawing an inference that the reality was to the contrary and the landlord was merely attempting at finding out a pretence or pretext for getting rid of the tenant would be enough to persuade the Court certainly to deny its judicial assistance to the landlord. Once the court is satisfied of the bonafides of the need of the landlord for premises or additional premises by applying objective standards then in the matter of choosing out of more than one accommodation available to the landlord his subjective choice shall be respected by the court. 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. "

22. From the aforesaid law laid down, it is lucidly clear that the onus upon the petitioner is greater than that of the respondent to state all true facts before the Court as the relief under section 14(1)(e) r/w Chapter III A of DRC Act is an extraordinary relief which bypass the normal procedure stipulated in DRC Act for eviction. Concealing the availability of the other accommodations in the petition itself tints the genuineness of the alleged bonafide requirement. Also, it raises doubt on the veracity of the averments made in the petition. This fact in itself entitles the respondent to be given a chance to defend the petition by way of a trial.

23. Apart from this, there are several alternate accommodations available with the petitioners as stated in para 7 of this order. Whether those premises are suitable accommodations for the purpose of opening a garment showroom or not has to be tested during the trial. It is also important to note here that the petitioner



want to open a big garment showroom and despite availability of the multiple alternate accommodations, the petitioners want to open the garment showroom in the suit property at ground floor only and therefore whether the need is bonafide or it is a mere desire can only be determined after the conclusion of the trial. The Petitioner wants to open a big showroom of garments by amalgamating all the shops in the suit property including the suit shop. In this respect, it is also to be seen whether the petitioner has funds for doing so as this fact will divulge whether the petitioner's need is a desire or a necessity or it is just an excuse to obtain possession of the suit shop.

25. Concluding, in view of the reasons afore stated, there are several triable issues raised by the respondent in the present case which needs to be tested on the touchstone of trial.

25. Accordingly, the application seeking leave to defend is hereby allowed. WS be filed by the respondent within stipulated time with advance copy to the opposite party. Let replication be filed by the petitioner by the next date of hearing.”

15. A perusal of the aforesaid findings would reveal that the application seeking leave to defend has principally been allowed on the ground that the Petitioners had not disclosed the other accommodation available with them and that, subsequently, upon the Respondent specifically pointing out the existence of three other shops, the Petitioners admitted ownership thereof.

16. The learned ARC has further proceeded on the premise that the suitability of such premises for the proposed garment showroom, as also the *bona fide* nature of the requirement pleaded by the Petitioners, would require examination at trial.

17. This Court finds that the learned ARC has identified the relevant considerations arising from the pleadings and material placed before it. The requirement pleaded by the Petitioners is for opening a readymade garment showroom by utilising the subject premises along with the other shops and in such circumstances, the availability of



other premises with the Petitioners is a relevant consideration while examining whether the subject premises are genuinely required and whether there exists any reasonably suitable alternative accommodation.

18. In this regard, the learned ARC, while considering whether any triable issue exists, has specifically noticed that the Respondent had disclosed the existence of three other shops in the application seeking leave to defend and the Petitioners, instead of disclosing the position themselves, initially denied the said assertion in their reply. It was only subsequently, when the Respondent filed an additional affidavit setting out the position of those premises, that the Petitioners admitted that the said three shops were owned by them.

19. Therefore, the learned ARC has not proceeded merely on the existence of another premises but has also considered the Petitioners' initial denial and their subsequent admission regarding the ownership of the three shops.

20. At the same time, the learned ARC has also not conclusively held that the existence of those three shops necessarily defeats the Petitioners' claim. Rather, the learned ARC has expressly observed that whether the said premises are suitable for the purpose of opening the proposed garment showroom is itself a matter which would require examination during trial.

21. This, in the considered view of this Court, is a relevant consideration at the stage of determining whether leave to defend ought to be granted.

22. Further, it was noticed that the Petitioners seek to establish a big garment showroom despite the availability of multiple other accommodations and that the proposed showroom is sought to be



established by amalgamating the shops in the subject property. In that context, the learned ARC raised a question as to whether the requirement pleaded is a *bona fide* requirement or merely a desire. The said question cannot be said to be wholly irrelevant or extraneous to the determination contemplated under Section 14(1)(e) of the DRC Act.

23. The learned ARC has also referred to the question of whether the Petitioners possess the funds necessary for establishing the proposed showroom and has observed that this aspect may have a bearing upon whether the requirement is a genuine necessity or merely an excuse to obtain possession.

24. In the opinion of this Court, however, this aspect, by itself, may not be determinative of the *bona fide* requirement. Nevertheless, when considered cumulatively with the admitted availability of other premises and the question regarding their suitability, the same cannot be said to be a consideration wholly without basis for the purpose of determining whether a triable issue arises.

25. It is also material that the learned ARC has not returned any final finding that the Petitioners do in fact have reasonably suitable alternate accommodation or that their requirement is not *bona fide*; it is only held that these questions require examination on the basis of evidence and, consequently, that the Respondent ought to be afforded an opportunity to establish the defence raised by him.

26. Therefore, at the stage of considering an application seeking leave to defend under Section 25-B of the DRC Act, the learned Rent Controller is not required to finally adjudicate upon the competing claims of the parties. The relevant consideration is whether the facts and material placed by the tenant disclose such a defence as would, if



established, disentitle the landlord from obtaining an order of eviction.

27. In the present case, the Respondent has specifically pointed out the existence of three other shops, which the Petitioners initially denied and subsequently admitted their ownership. The question of the suitability of those premises for the proposed garment showroom remains open. The question as to whether the requirement pleaded is *bona fide* or merely a desire also arises from the circumstances noticed by the learned ARC.

28. Consequently, this Court, exercising limited revisional jurisdiction under Section 25-B(8) of the DRC Act, is unable to find any perversity or material irregularity in the approach adopted by the learned ARC in concluding that the aforesaid aspects raise triable issues. Instead, the learned ARC has considered the pleadings, the subsequent admission regarding the other shops and the nature of the requirement pleaded, and has thereafter exercised its discretion to grant leave to defend.

29. Accordingly, the present Petition, being devoid of any merit, stands dismissed.

30. Pending Application(s), if any, also stand dismissed.

HARISH VAIDYANATHAN SHANKAR, J.
AUGUST 10, 2026/tk/jk