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

Date of decision: 11.08.2026

CNR No. DLHC010296442026

+ RC.REV. 220/2026, CM APPL. 43796/2026 (Stay), CM APPL. 43797/2026 (Ex. From filing certified copy of impugned judgment) & CM APPL. 43798/2026 (Delay of 39 days in filing the petition)

SANT RAM

.....Petitioner

Through: Mr. Murtaza Husain, Advocate.

versus

BIDHEY LAL ALIAS BIDHIYA LAL

.....Respondent

Through:

CORAM:

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

% **JUDGEMENT (Oral)**

1. The present Rent Control Revision Petition, filed under Section 25B(8) of the **Delhi Rent Control Act, 1958¹**, assails the **Judgment and Order dated 28.01.2026²** passed by the **learned SCJ-cum-RC, Central, Tis Hazari Courts, Delhi³**, whereby the Eviction Petition being **RC ARC No.78936/2016** came to be dismissed on the ground that the Petitioner herein had failed to establish either his ownership of the tenanted premises or his status as a tenant therein and had also failed to establish that there is a *bona fide* requirement in respect of

¹ DRC Act

² Impugned Judgment

³ learned ARC



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the tenanted premises.

2. Learned counsel for the Petitioner assails the Impugned Judgment primarily on three grounds. *Firstly*, he submits that for the purposes of an Eviction Petition, the landlord is not required to establish absolute ownership of the premises and is only required to demonstrate a title better than that of the tenant. He submits that the finding returned by the learned ARC to the effect that the Petitioner had failed to establish his ownership proceeds on an erroneous understanding.

3. The second limb of the submissions relates to the documents placed on record by the Petitioner. Learned counsel submits that sufficient documentary material was produced before the learned ARC to establish that the Petitioner had a title better than that of the Respondent. It is, therefore, contended that the finding of the learned ARC to the contrary is unsustainable.

4. The third limb relates to *bona fide* requirement of the Petitioner. Learned counsel for the Petitioner submits that the existing premises, in their present condition, were insufficient for the requirement projected by the Petitioner. It is contended that the possibility of carrying out further construction upon the premises was also required to be taken into consideration while examining the question of *bona fide* requirement.

ANALYSIS:

5. This Court has heard the learned counsel for the Petitioner and, with his able assistance, perused the relevant documents placed on record as well as the Impugned Judgment.

6. Before proceeding to examine the grounds of challenge urged



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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.

7. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*⁴, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁵, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁶, 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.*⁷, and *Sanjeev Hiranandani v. Sunny Grover*⁸.

9. 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

⁴ (1998) 8 SCC 119

⁵ (2014) 9 SCC 78

⁶ (2022) 6 SCC 30

⁷ 2024:DHC:9322

⁸ 2025:DHC:11285



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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



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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 on behalf of the Petitioner against the Impugned Judgment are required to be examined.

13. At this juncture, this Court deems it appropriate to peruse the findings rendered by the learned ARC while dealing with the aforesaid contentions in the Impugned Judgement, which read as follows:

“23. In view of above discussion, what is deduced is that neither the petitioner nor the respondent has been able to establish their respective claim of ownership over the tenanted premises. Court is cognizant of the well settled legal principle that in petitions based on bonafide requirements, petitioner has to prove that he is a person who is more than a tenant but is not required to prove absolute ownership over the tenanted premises. As such, it would suffice if petitioner is able to prove that he is the landlord of the tenanted premises or that he had collected rent from the respondent at any point of time. In that background, court now proceeds to analyze the existence of landlord tenant relationship between the parties to the present matter. Petitioner could have proved that he is landlord of the respondent qua the tenanted premises by way of rent agreement or rent receipt. But no such document has been brought by the petitioner. Rather, it is an admitted case of the petitioner that he had not executed any rent agreement with the respondent while renting out the tenanted premises and that he had never issued any rent receipt to the respondent. During his cross-examination, petitioner/PW-1 categorically stated that he cannot produce any material in the nature of rent agreement, rent receipt or acknowledgment to show that respondent occupied the tenanted premises in the capacity of a tenant. Be that as it may. Petitioner/PW-1 stated during his cross-examination that respondent had paid him rent only once and that said rent was received by his son on his behalf. In that scenario, petitioner could have produced his aforesaid son as a witness, to prove the factum



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of receipt of rent by the said son from the respondent. However, no such step was taken. In nutshell, there is no material on record, whether documentary evidence or oral testimony, to show that petitioner had rented out the tenanted premises to the respondent or that any rent was collected by him or on his behalf from the respondent. Since it is the petitioner who has approached the court seeking relief, the burden to establish his case was on the petitioner. It is correct that respondent has also failed to substantiate his claim of ownership but same would not go to strengthen the case of the petitioner, which had to stand on its own legs. In absence of any material to prove that petitioner was indeed the owner or landlord of the tenanted premises at any point of time, court is of the considered finding that petitioner has failed to establish existence of landlord-tenant relationship between him and the respondent. It is pertinent to mention here that vide order dated 16.05.2019, respondent was given leave to contest the present petition *inter alia* on the ground that title of the petitioner over the tenanted premises had to be proved on the basis of evidence. As such, petitioner ought to have brought some material on record to substantiate his claim of ownership over the tenanted premises but he failed to lead any such evidence. Consequently, petitioner failed to probabalize his case that he is the owner of the tenanted premises.

24. Having said that, court now proceeds to analyze the bonafide need of the petitioner. In the eviction petition, petitioner has averred that he alongwith his family consisting of two sons and two daughters are residing in property bearing no. B-95, Gali No-6, Balmiki Mandir, Jharoda Mazra, Burari, Delhi, admeasuring 50 sq. yds. and comprising of total four rooms, kitchen, latrine and bathroom, which is owned by his son, *namely*, Ajit. Stating that the same is insufficient for residence of himself and his family, petitioner has sought possession of the tenanted premises so that he and his family may reside there. At the very outset, it is noticed that nowhere in the eviction petition, petitioner mentions the area of the tenanted premises, wherein he and his family intends to reside. Even the site plan in Ex PW-1/1 is bereft of any measurement. It is pertinent to mention here that one of the grounds for which respondent was granted leave to defend the present petition was that the area of the tenanted premises is not specified in the eviction petition and in such scenario, no executable order could be passed. Despite that, petitioner has neither specified the area of the tenanted premises nor brought any material to show the size of the same. As a necessary corollary of the above, court is not in a position to reach a finding that the tenanted premises is adequate or sufficient to meet the residential requirement of the petitioner and his family members.

25. Further, as per the eviction petition, petitioner requires seven



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rooms, one for himself, one for drawing room, one room for his married daughter to stay when she visits him and one room each for his four unmarried children. Again, as per the petitioner himself, the tenanted premises consists of only two rooms. As such, it was incumbent upon the petitioner to explain as to how he plans to have six rooms in the tenanted premises and also how he plans to accommodate all his aforesaid family members in the same. No such explanation has come forth from the petitioner.

26. Proceeding further, a contradiction has been noticed in the case of the petitioner concerning his bonafide requirement. As per the eviction petition, petitioner is currently residing in property bearing no. B-95, Gali No-6, Balmiki Mandir, Jharoda Mazra, Burari, Delhi, which is stated to be owned by his son/Ajit. However, during his cross-examination conducted on 21.11.2022, petitioner/PW-1 stated that the house in which he is residing is a tenanted property. The relevant extract of the cross-examination of PW-1 reads as under :

"It is wrong to suggest that the house in which I am residing is owned by me. The same is a tenanted property. I have not filed on record any documentary record to show that the same is a tenanted property."

27. What is deduced from the above is that the petitioner has been inconsistent regarding the capacity in which he is occupying the house wherein he is currently residing. There is no doubt that petitioner is well within his rights to seek vacant possession of his own property, irrespective of the fact whether his current residence is owned by his son or whether the same is taken on rent. However, the inconsistent stands taken by the petitioner in his eviction petition and during his cross-examination raises doubt regarding the genuineness of the projected need of the petitioner. Hence, in view of above discussion, court is of the finding that petitioner has failed to establish the bonafide of his projected need.

28. The net result is that the petitioner failed to prove that he is owner of the tenanted premises. He also failed to establish himself as landlord of respondent qua the tenanted premises. Further, the bonafide need of the petitioner as projected by him has also come under cloud. In crux, petitioner failed to meet the triable issues raised by this court vide its order dated 16.05.2019, *namely*, terms and conditions on which tenanted premises were allotted to the petitioner, meaning and significance of the term "token", ownership of the petitioner over the tenanted premises as well as area or measurement of the tenanted premises. After the grant of leave to contest the present eviction petition, petitioner should have removed the aforesaid doubts and shortcomings in his case, but he failed to do so. He should have utilized the opportunity to prove his case based on evidence but same was not done. Rather, petitioner rested his case on bald averments, which did not inspire confidence



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of the court.”

14. Having considered the submissions advanced on behalf of the Petitioner and upon a perusal of the findings rendered by the learned ARC in the Impugned Judgement, this Court is unable to find any jurisdictional error, manifest illegality, material irregularity or perversity in the approach adopted by the learned ARC. On the contrary, the Impugned Judgment demonstrates that the learned ARC has considered each of the material aspects of the case, including the Petitioner’s claim of ownership, the alleged landlord-tenant relationship, the documentary material relied upon by the Petitioner, and the *bona fide* requirement projected by him. The conclusions arrived at are founded upon the evidence led by the parties and the admissions emerging from the cross-examination of the Petitioner himself.

15. The first contention of the learned counsel for the Petitioner is that, in proceedings under Section 14(1)(e) of the DRC Act, the landlord is not required to establish absolute ownership and that it would suffice if the landlord demonstrates a title better than that of the tenant. There can be no quarrel with the aforesaid proposition of law. It is well settled that the expression “owner” occurring in Section 14(1)(e) of the DRC Act does not necessarily contemplate proof of absolute or perfect title in the strict sense in which such title may be required to be established in a title suit. The landlord is required to establish a title better than that of the tenant and the existence of the requisite landlord-tenant relationship.

16. However, the aforesaid proposition does not come to the assistance of the Petitioner in the facts of the present case.



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Significantly, the learned ARC has itself noticed and accepted the aforesaid legal position. The finding returned by the learned ARC is not that the Petitioner was required to establish an indefeasible or absolute title in the property. Rather, the learned ARC has specifically observed that it would be sufficient if the Petitioner were able to establish that he was the landlord of the Respondent or had collected rent from the Respondent at any point of time. Thus, the very legal proposition now sought to be urged before this Court was duly taken into consideration by the learned ARC.

17. The difficulty faced by the Petitioner is factual and not legal. Despite being conscious of the limited requirement of establishing a title better than that of the tenant, the Petitioner failed to place before the learned ARC any cogent material demonstrating that he was the landlord of the Respondent or that the Respondent had entered into possession of the premises as his tenant.

18. The learned ARC has specifically noticed that there was admittedly no rent agreement executed between the parties and that the Petitioner had never issued any rent receipt to the Respondent. More importantly, during his cross-examination, the Petitioner himself categorically stated that he was unable to produce any rent agreement, rent receipt or acknowledgment demonstrating that the Respondent occupied the premises in the capacity of a tenant. The Petitioner further claimed that rent had been paid to him on one occasion through his son. Even in respect of this assertion, the Petitioner did not examine his son, who was admittedly the person through whom the alleged rent payment had been received.

19. Thus, the finding of the learned ARC cannot be characterised as



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one which proceeds upon an erroneous requirement of proving absolute ownership. The learned ARC has, in fact, proceeded on the premise most favourable to the Petitioner, namely, that it would be sufficient to establish that he was the landlord or that he had received rent from the Respondent. The Petitioner failed even to cross that threshold.

20. The second submission, *namely*, that the documentary material produced by the Petitioner was sufficient to establish a title better than that of the Respondent, also does not disclose any ground warranting interference in revision. The learned ARC has considered the material placed before it and has returned a categorical finding that the Petitioner failed to probabalise his claim of ownership or establish his status as landlord. The mere assertion that certain documents were available on record cannot, by itself, warrant interference under Section 25B(8) of the DRC Act.

21. It is also material that the Respondent's failure to establish his own title does not automatically establish the Petitioner's case. The learned ARC has correctly observed that the Petitioner, being the person who approached the Court seeking eviction, was required to establish the foundational facts necessary for the relief sought. The weakness, if any, in the Respondent's claim cannot be converted into proof of the Petitioner's title or landlord-ship.

22. In this regard, the observation of the learned ARC that the Petitioner's case "had to stand on its own legs" assumes significance. The Petitioner cannot derive a positive finding in his favour merely from the fact that the Respondent was also unable to substantiate his claim of ownership. The burden of establishing the essential



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ingredients of the eviction petition remained upon the Petitioner.

23. It is further significant that the Respondent had been granted leave to contest vide order dated 16.05.2019, *inter alia*, on the specific issue as to whether the Petitioner had title over the premises. Once the Petitioner was afforded an opportunity to establish his case by leading evidence, it was incumbent upon him to place the necessary material on record to substantiate the foundational assertions contained in the eviction petition. The learned ARC has found that the Petitioner failed to do so. This is a finding based upon the evidence and the conduct of the Petitioner during trial and cannot be said to suffer from any error apparent on the face of the record.

24. The learned ARC rightly rejected the Petitioner's claim of *bona fide* requirement as the Petitioner failed to establish that the tenanted premises were capable of satisfying the residential requirement pleaded by him. The Petitioner neither disclosed the area or dimensions of the tenanted premises nor provided a measurable site plan, despite the issue having been specifically raised at the stage of grant of leave to defend. Further, while claiming a requirement of seven rooms for himself and his family, the Petitioner admittedly sought possession of premises comprising only two rooms and failed to explain how the stated requirement could be accommodated therein.

25. The Petitioner also took contradictory stands regarding his existing residence, describing it in the eviction petition as being owned by his son, while stating during cross-examination that it was a tenanted property, without producing any documentary evidence in support thereof. These inconsistencies were relevant to assessing the genuineness of the projected requirement. The plea that the possibility



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of future construction ought to have been considered is also untenable, as no concrete material was produced regarding the feasibility, extent or manner of such construction or how it would enable the two-room premises to meet the requirement of seven rooms. Thus, the findings of the learned ARC were based on the pleadings and evidence on record and do not warrant interference in revisional jurisdiction.

26. The present case is, therefore, not one where the learned ARC has ignored a material plea or applied an incorrect test of law. On the contrary, the Impugned Judgment shows that the learned ARC examined the very issues for which leave to contest had been granted, namely, the terms and conditions under which the premises were allegedly allotted to the Petitioner, the meaning and significance of the term “token”, the ownership of the Petitioner, and the area or measurement of the premises. After trial, the learned ARC found that the Petitioner had failed to satisfactorily establish these foundational aspects.

27. The fact that the learned ARC has arrived at a conclusion adverse to the Petitioner, despite the Respondent also having failed to establish his own claim of ownership, cannot furnish a ground for interference under Section 25B(8). The jurisdiction of this Court is not intended to permit re-appreciation of evidence merely because another view may conceivably be taken on the same material. The Supreme Court has expressly cautioned that such an exercise would amount to converting the revisional jurisdiction into a regular first appeal, which is impermissible.

28. Tested on the aforesaid parameters and the law laid down in various precedents, the present Revision Petition does not disclose any



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error apparent on the face of the record. The learned ARC has considered the relevant pleadings, the evidence led by the Petitioner, his cross-examination and the circumstances emerging from the record. The findings returned are neither based on a legally erroneous test nor so unreasonable that they can be characterised as perverse. At best, the Petitioner seeks a reappraisal of the evidence and a different conclusion on the questions of ownership, landlord-tenant relationship and *bona fide* requirement. Such an exercise falls outside the limited revisional jurisdiction of this Court.

29. It is also pertinent that the findings recorded by the learned ARC are not isolated findings. They operate cumulatively. The Petitioner failed to establish his status as landlord; failed to satisfactorily substantiate his claim of ownership; failed to produce material establishing the alleged receipt of rent; failed to examine the son through whom the alleged rent was received; failed to disclose the dimensions of the premises despite the issue having been specifically raised; failed to explain how two rooms would answer the requirement of seven rooms pleaded by him; and took inconsistent stands regarding the nature of his existing residence. These circumstances, considered together, provided a sufficient evidentiary basis for the conclusion reached by the learned ARC.

30. The Impugned Judgment, therefore, cannot be said to suffer from any jurisdictional infirmity, material irregularity, manifest illegality or perversity warranting the exercise of revisional jurisdiction. The findings returned by the learned ARC are findings arising from appreciation of the evidence and the material placed before it after the parties had been afforded an opportunity to lead



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evidence. There is consequently no justification for this Court to substitute its own assessment for that of the learned ARC.

31. In view of the aforesaid discussion, this Court finds no merit in the present Revision Petition. The Petitioner has failed to demonstrate that the Impugned Judgment dated 28.01.2026 suffers from any error apparent on the face of the record or any other infirmity warranting interference under the proviso to Section 25B(8) of the DRC Act. The revisional jurisdiction cannot be invoked merely to secure a second appreciation of the evidence or to substitute a possible alternative view for the considered findings of the learned ARC. The principles governing the restricted scope of interference under Section 25B(8) have consistently been applied by this Court in cases where no such jurisdictional or manifest error is demonstrated.

32. Accordingly, the present Petition, along with pending Application(s), if any, stands dismissed.

HARISH VAIDYANATHAN SHANKAR, J
AUGUST 11, 2026/rk/va