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

Date of decision: 13.07.2026

+ RC.REV. 124/2026 & CM APPL. 24341/2026 (Stay)

R.N. SHARMA (SINCE DECEASED) THROUGH LR.

.....Petitioner

Through: Mr. Vijay Kinger, Mr. Ashwani
Gehlot, Ms. Roopa Nagpal and
Mr. Himanshu Kinger,
Advocates.

versus

NEELAM KHANNA (SINCE DECEASED) THROUGH LRS.

.....Respondent

Through: Mr. Abhishek and Mr. Zameer
Ahmed, Advocates for
Respondent No. 2.

CORAM:

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

% **JUDGEMENT (Oral)**

1. The present Revision Petition has been filed under Section 25B (8) of the **Delhi Rent Control Act, 1958**¹ read with Section 151 of the Code of Civil Procedure, 1908, seeking to assail the **Order dated 12.11.2025**² passed by the **learned Rent Controller, District-Shahdara, Karkardooma Courts, Delhi**³, in Eviction Petition bearing RC/ARC No. E-586/2016, in respect of the property bearing number B-165, MIG, DDA Flats, Second Floor, Loni Road, Shahdara,

¹ The DRC Act

² Impugned Order

³ Learned ARC



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Delhi⁴, wherein the learned ARC allowed the Eviction Petition.

2. The challenge to the Impugned Order is essentially founded on two grounds, *i.e.*, *firstly*, that there existed no landlord-tenant relationship between the parties and *secondly*, that there was no *bona fide* requirement of the subject premises warranting eviction of the Petitioner.

3. In this regard, learned counsel appearing on behalf of the Petitioner submits that the tenancy was originally created by the father of the Respondent and, therefore, no relationship of landlord and tenant ever came into existence between the parties.

4. Proceeding on the aforesaid basis, learned counsel for the Petitioner reiterates the submission urged before the learned ARC that, in the absence of a landlord-tenant relationship between the parties, the Eviction Petition itself was not maintainable.

5. Learned counsel appearing on behalf of the Petitioner further submits that the learned ARC failed to appreciate that the relationship between the Respondent and her son was admittedly estranged and that they were not on speaking terms. Learned counsel for the Petitioner accordingly submits that this aspect has a direct bearing on the plea of *bona fide* requirement.

6. Learned counsel appearing on behalf of the Petitioner further submits that the Respondent's daughter was already residing in sufficiently spacious accommodation and, therefore, no *bona fide* requirement in respect of the subject premises was made out on her behalf as well. It is, accordingly, submitted that the Impugned Order stands vitiated on both the aforesaid grounds.

7. ***Per contra***, learned counsel appearing on behalf of the

⁴ Subject Premises



Respondent, supporting the Impugned Order passed by the learned ARC, submits that each of the aforesaid contentions has already been considered in detail by the learned ARC and, therefore, no interference is warranted in exercise of the limited revisional jurisdiction of this Court.

8. Learned counsel for the Respondent, in support of the foregoing submission, draws the attention of this Court to the relevant findings of the learned ARC while dealing with the aforesaid grounds, as raised by the Petitioner, which reads as under:

“17) Whether there exists a relationship of landlord and tenant between the parties?

- Admissions made in written statement: As per para 3 (a) and 3 (b) of the written statement there is no specific denial that the petitioner is the landlord and respondent R.N. Sharma was the tenant on the tenanted premises. It is simply stated that the contents of para 3 (a) and 3 (b) are matter of record. Similarly, it is stated that the contents 8 to 11 whereby the details of tenancy are given are matter of record. Further, additionally it is stated that after the death of R. N. Sharma his daughter Savita is living in the tenanted premises being the LR. Hence, there is no dispute regarding the tenancy of the respondent on the tenanted premises.
- It is already discussed above that the respondent/tenant has admitted that he was inducted as a tenant in the premises by the previous owner and it establishes the origin of tenancy and confirms that the respondent entered the premises under a lawful tenancy and not as an independent owner or occupant.
- The petitioner has placed on record Ex.PW1/1-PW1/5. By virtue of these documents all rights, title, and interest of the previous owner in the tenanted premises have vested in the petitioner. Consequently, the petitioner has stepped into the shoes of the erstwhile landlord and is entitled to all rights and obligations attached to the property, including the right to recover possession from the tenant. The transferee of the property automatically becomes the landlord of the existing tenant by operation of law. The relationship of landlord and tenant continues, only the ownership changes hands. The tenant remains bound to attorn to the new owner as his landlord.
- **Finding:** Landlord tenant relationship qua the tenanted premises exists between the parties.



18) Bona fide requirement:-

- In *Krishan Lal vs R N Bakshi* decided by our own Hon'ble High Court that: '8. It is settled law that it is not for a tenant to dictate the terms to the landlord as to how and in what manner he should adjust himself, without calling upon the tenant to vacate a tenanted premises. While deciding the question of bonafides of requirement of landlord, it is quite unnecessary to make an endeavour as to how else the landlord could have adjusted. When the landlord shows a prima facie case, a presumption that the requirement of the landlord is bonafide, is available to be drawn. It is also settled position of law that the landlord is the best judge of his requirement for residential or business purpose and he has got complete freedom in the matter and it is no concern of the courts to dictate to the landlord how, and in what manner, he should live or to prescribe for him a residential standard of their own. The tenant cannot compel a landlord to live in a particular fashion and method until and unless the requirement shown is totally mala fide or not genuine'.
- As per the application, the tenanted premises is required for expanding residential needs of petitioner children i.e., Son of the petitioner and his family which includes his wife and a daughter. Further, tenanted premises is also required for residence by daughter and son in law of the petitioner.
- In the Written Statement, the bonafide requirement is disputed on the ground that daughter and son in law of the plaintiff are residing separately and current residence ie, Q.U. 194-B, Pitampura, Delhi-110034 is sufficient for the requirement of the petitioner and her son's family.
- **Dependence:** As per the written statement, Son and daughter with their respective families are not dependent on the petitioner for their residence as daughter is staying separately with her husband and current residence is sufficient for the family of petitioner and her son. Three aspects will be discussed in this regard i.e., whether married son and married daughter of the petitioner are dependent on petitioner for their residence, Whether married daughter is dependent on her family for her residence and whether convenience of tenant in compared to the convenience of landlord is required to be considered while deciding the bona fide requirement.
- The word dependent cannot be constructed in a narrow and literal manner. The same have to be interpreted judiciously keeping in mind the intent of the legislators. Reliance is placed on the case of **Anil Kumar Gupta V Deepika Verma, 14.10.2015, Hon'ble Delhi High Court in RC. Rev. 138/2015**. It was observed in the



said case that "Customarily or in common parlance a dependent would be defined as any person who is reliant on another either for financial or physical support for sustenance of life. It is pertinent to note that the word dependent or as to what constitutes a family has nowhere been defined in the Delhi Rent Control Act. Rather, the legislator consciously and deliberately have used the words "any member of family dependent on the landlord" instead of defining a clear degree of relations so as to construe a wider meaning to the aforesaid words as man is a social creature and part of a complex societal system involving myriad of relations from which he cannot be isolated. It is significant to understand that the dependency is not restricted to financial or physical but will also include emotional reliance on another person. Hence it is very clear that dependency is not required to be analysis in the context of financial dependency about beyond that. Family members can be dependent for the purpose of availability of the property. In what situation a family member, in present case Anish kumar (son of Petitioner no.3) will be considered as a dependent is to be analysed. Reliance is placed upon the case of **Joginder Pal Vs Nawal Kishore, (2002), the Hon'ble Supreme Court AIR 2002 SUPREME COURT 2256**. While construing who is the member dependent on the landlord held that keeping in view the social or socio religious milieu and practices prevalent in a particular section of society or to a particular region to which the landlord belongs, it may be the obligation of the landlord to settle a person closely connected with him to make him economically independent so as to support himself and/or the landlord. To discharge such obligation, the landlord may require the tenanted premises and such requirement would be requirement of the landlord. The tests laid down to be applied are : (1) Whether the requirement pleaded and proved may properly be regarded as landlord's own requirement (2) whether on the facts and circumstances of a given case, actual occupation and user by some other person would be deemed to be landlord's own requirement. The answer would in turn, depend on (1) the nature or degree of relationship and or dependence between the landlord pleading the requirement as his own and the person who would actually use the premises, (ii) the circumstances in which the claim arises and is put forward, and (iii) the intrinsic tenability of the claim. The court on being satisfied of the reason ability of the claim, will grant leave to defend.

- In the present case, it is not disputed that petitioner has a son and a daughter who have their respective families. During cross examination is it brought on record that son of the petitioner is no more staying with the Petitioner as he has moved out due to paucity of space.



- The respondent has disputed that daughter and son in law of the petitioner are staying with her instead they are residing separately. During the cross-examination of PW1 Sh. Subhash Chand (husband of the petitioner), an alternate address is put to the witness i.e., DDA flat no. 143 A, Pitampura, Q.U. Block, Delhi - 88. PW1 stated that this was a matrimonial house of his daughter and she and his son in law have left the address around 10 years back. It is also stated that his son has left the address bearing no. Q.U.-194B, Pitampura, Delhi around 3 years back due to paucity of space. PW1 admitted that his son in law is the only child of his parents and he is residing with him out of his own wish. PW1 denied the suggestion that his son-in-law is currently residing with his parents. PW2 Ms. Meenakshi (daughter of petitioner) was also examined. PW2 also admitted that she and her husband are residing at flat no. Q.U. 194B, Pitampura, Delhi, and sometimes he lives with his mother at Q.U-143A, Pitampura, Delhi. PW2 admitted that there is some marital discord with her husband, however, there is no litigation in this regard. PW2 stated that she had left her matrimonial home due to harrasment by her in laws. However, no complaint was made in this regard and letter she got her address changed in her Aadhar card as well.
- Applying the judgment discussed above to ascertain if daughter and son are dependent on petitioner for their residence, it is observed that the person for whom the premises are required is the landlord's married daughter. She is related by the closest bond of kinship and affection. The dependency in such relationships cannot be narrowly construed as merely financial. Dependency can be emotional, moral, or social, particularly where the parent is aged or alone, and the daughter, though married, continues to provide companionship and care. It is also a reality that considering the rising prices of the real estate, it is not uncommon for children to be dependent on their parents for their residence. The petitioner is an elderly man whose wife has passed away. His daughter and son-in-law reside with him because, as stated, the situation at the daughter's in-laws' house is not congenial. The petitioner's wish that his daughter continue to live with him is not an act of charity but one of natural parental affection and social propriety.
- The bonafide of the claim lies in the fact that the petitioner, being old and alone after the death of his wife, finds emotional and practical support from his daughter and son-in-law, which is evident even during her lifetime as his son-in-law is actively supporting in litigation by being her authorized representative. The desire to live with them in a more comfortable and spacious home is both natural and legitimate.



- The case of the petitioner is that the tenanted premises is larger and more suitable than his present accommodation. The petitioner, an elderly person, has lost his wife and is residing with his daughter and son-in-law. He has pleaded that the present accommodation is too small to meet the requirements of the family and that the tenanted premises is required for his comfortable residence. The petitioner has stated that due to paucity of accommodation, he and his daughter's family are finding it difficult to live together with comfort. The tenanted premises is larger, more convenient, and would provide better living conditions. It is not disputed that the petitioner's current accommodation is smaller while the tenanted premises is more spacious. It would be unreasonable to compel the petitioner to continue living in cramped conditions while his tenant occupies a more comfortable portion of his own property.
- The petitioner's existing accommodation is small, insufficient for the needs of the family, and lacks adequate privacy and comfort. The tenanted premises, being larger, is genuinely required to accommodate them. The claim has therefore arisen from genuine personal circumstances, not from any ulterior motive to evict the tenant.
- Considering the close familial relationship, the dependence of the daughter upon her father for residence due to her circumstances, and the genuineness and reasonableness of the petitioner's need, the requirement pleaded is indeed the landlord's own requirement.
- The user of the premises by the daughter and son-in-law would, in law and in substance, amount to the landlord's own occupation. The requirement is therefore bona fide and falls squarely within the scope of Section 14(1)(e) of the Delhi Rent Control Act.
- Now another aspect whether a married daughter's requirement of residing with her family can be considered as a bona fide requirement will be examined. Reliance is placed upon a case of **Nisar Ahmed v. Agya Pal Singh | RC Rev. 367 of 2018, CM Appl. 13453 of 2023 and CM Appl. 22041 of 2023 passed by Hon'ble High Court of Delhi**. It is observed in the judgment that *"Ordinarily, for a daughter, irrespective of her matrimonial status, her paternal/maternal home is always a psychological, physical and emotional sanctuary, a place to which she can relate and return to freely, irrespective of how far she is geographically located from her parents. The law provides for eviction of a tenant on the need of dependants. Married daughters are included among dependents of their parents, for commercial/residential space. The test in law is about the dependency of the children upon the landlord/ landlady when the property of the parent is in question"*.



- Hence it is clear that , a married woman does not lose her residential rights at her parents' house because of marriage; she can visit or stay with them at her convenience and choice. It is a settled law that have established that a daughter remains a member of her parents' family even after marriage. In the present case the PW2 has clearly stated that she has already left the house of her parents in law around 10 years back and do not intends to go back. She also got her address changed in the ID card. Nothing is brought on record to show that PW2 is currently residing at her matrimonial home. There is no sufficient material on record to show that son-in-law of the Petitioner is residing permanently with his parents. Though traditionally a married daughter resides with her in-laws after marriage, social norms have evolved. In present times, many couples choose to live with the parents of either spouse, depending on convenience, affection, and family needs. It is neither improper nor unusual for a married daughter and her husband to reside with the daughter's parents, particularly where the father is aged, alone, and needs familial support and care. This Court cannot disregard such genuine human and social needs under the pretext of outdated notions of family structure. The test of bona fide requirement must be applied in a practical and realistic manner, consistent with present-day social circumstances.
- Tenant has also stated that if she is deprived of the tenanted premises she will face grave hardships. The argument regarding hardship to the tenant has no legal merit in proceedings under Section 14(1)(e) of the Delhi Rent Control Act. Once the petitioner establishes his bona fide requirement and lack of suitable alternative accommodation, the law does not contemplate a comparative assessment of hardship.
- It is a settled law that tenant cannot question the landlord regarding the minute details and precise nature of the business. Reliance is placed upon the case of **Anil Bajaj and Anr. v. Vinod Ahuja, (2014) 15 SCC 610**: it is not for the tenant to dictate to the landlord as to how the property belonging to the landlord should be utilised. In the present case it is clear that while the landlord (Appellant 1) is carrying on his business from a shop premise located in a narrow lane, the tenant is in occupation of the premises located on the main road which the landlord considers to be more suitable for his own business. The materials on record, in fact, disclose that the landlord had offered to the tenant the premises located in the narrow lane in exchange for the tenanted premises which offer was declined by the tenant. It is not the tenant's case that the landlord, Appellant 1, does not propose to utilise the tenanted premises from which eviction is sought for the purposes of his business. It is also



not the tenant's case that the landlord proposes to rent out/keep vacant the tenanted premises after obtaining possession thereof or to use the same in any way inconsistent with the need of the landlord. What the tenant contends is that the landlord has several other shop houses from which he is carrying on different businesses and further that the landlord has other premises from where the business proposed from the tenanted premises can be effectively carried out. It would hardly require any reiteration of the settled principle of law that it is not for the tenant to dictate to the landlord as to how the property belonging to the landlord should be utilised by him for the purpose of his business. Also the fact that the landlord is doing business from various other premises cannot foreclose his right to seek eviction from the tenanted premises so long as he intends to use the said tenanted premises for his own business'. Further, in another case titled as **Raj Kumar Khaitan & Ors. vs. Bibi Zubaida Khatun & Anr, MANU/SC/0411/1995: AIR 1995 SC 576**, it was observed that 'It was not necessary for the appellants-landlords to indicate the precise nature of the business which they intended to start in the premises. Even if the nature of business would have been indicated nobody would bind the landlords to start the same business in the premises after it was vacated'.

- Hence, the legal position is quite clear. The landlord need not be required to prove the minute details regarding the proposed expansion of the business. Further, tenant will not dictate the landlord as to how the landlord should adjust himself in his own property without disturbing the tenant.

19) Suitable alternate accommodation

- The law with respect to the consideration of the reasonable suitable accommodation is very settled. Landlord is the best judge of its requirements. Reliance is placed upon the judgment passed by Hon'ble Supreme Court of India in *Dhannalal v. Kalawatibai* (2002) 6 SCC 16 whereby it was held that 'an alternative accommodation', to entail denial of the claim of the landlord, must be 'reasonably suitable', obviously in comparison with the accommodation wherefrom the landlord is seeking eviction. It was further held that the availability of another accommodation _suitable and convenient in all respects as the accommodation from which the landlord is seeking eviction may have an adverse bearing on the finding as to bonafides of the landlord. If he unreasonably refuses to occupy the available premises to satisfy his alleged need. It was yet further held that the bonafides of the need of the landlord for the premises or additional premises have to be determined by the Court by applying objective standards and once the Court is satisfied of such bonafide, then in the matter of choosing out of more accommodation than one available



to the landlord, his subjective choice shall be respected by the Court. It was yet further held that for the business which the landlord proposes to start, an accommodation situated on the first floor cannot be said to be an alternative suitable accommodation in comparison with the shops situated on the ground floor: a shop on the first floor cannot attract the same number of customers and earn the same business, as a shop situated on the ground floor would do'. Further, in another case, titled as Adarsh Electricals and others vs Dinesh Dayal, MANU/DE/2782/2010, it was held that "the concept of alternate accommodation means that accommodation which is reasonably suitable for the landlord, and the court would not expect the landlord to sacrifice on his own comforts and requirements merely on the ground that the premises is with a tenant . The problem had to be approached from the point of view of a reasonable man and not that of a whimsical landlord. 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 e accepted by the landlord to satisfy his such need'.

- In the present case apart from the premises bearing no. QU-194B, Pitampura, Delhi no other property is owned by the petitioner. No other property is disclosed by the respondent in the pleadings. It is already discussed in the previous paragraphs as to how property bearing no. QU-194B, Pitampura, Delhi is not suitable for the residential requirements of the petitioner. Hence, there is no suitable alternate accommodation for the bona fide requirement of the petitioner apart from the tenanted premises.

20) Final Order: On the basis of discussion able, this court has come to a finding that the Bona fide need of the landlord is justified, the averments of the respondent regarding alternative accommodation are not sufficient as there is no alternate accommodation, the title of the Petitioner cannot be questioned and landlord tenant relationship exists between the parties. The application filed by the Petitioner under section 14(1)(e) DRC stands allowed."

(emphasis supplied)

ANALYSIS:

9. This Court has heard the learned counsel for the parties and, with their able assistance, perused the material available on record.

10. 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.



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11. 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.

12. 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.

13. In **Abid-Ul-Islam** (supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25B of the DRC Act, observed that the omission of an appellate remedy against an Order passed by the learned Rent Controller is conscious and deliberate. The jurisdiction conferred upon the High Court is, therefore, one of superintendence over the decision-making process, including the legality and propriety thereof, and does not permit the High Court to substitute its own view for that of the learned Rent Controller merely because another view on the material available on record may be possible. The relevant observations of the Hon'ble Supreme Court read as under:

“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

⁵ (1998) 8 SCC 119

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



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.”

14. 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.

15. A perusal of the Impugned Order demonstrates that each of the contentions now sought to be urged before this Court had specifically fallen for consideration before the learned ARC. The learned ARC has dealt with the issues relating to the landlord-tenant relationship as well as the plea of *bona fide* requirement by assigning detailed reasons based on the material available on record.

16. This Court finds that the learned ARC has not merely returned a conclusion in favour of the Respondent but has recorded detailed reasons while dealing with each of the objections raised by the Petitioner. Insofar as the challenge to the existence of the landlord-tenant relationship is concerned, the learned ARC has examined the



pleadings of the parties, the admissions contained in the written statement, as well as the documents evidencing the devolution of title in favour of the Respondent, before concluding that the Respondent had validly stepped into the shoes of the erstwhile landlord by operation of law. The finding is thus founded upon both the admissions of the parties and the documentary material placed on record and cannot be said to suffer from any patent illegality or perversity.

17. Equally, while dealing with the plea of *bona fide* requirement, the learned ARC has examined the evidence led by the parties, considered the circumstances relating to the Respondent's family, adverted to the settled legal principles governing dependency and *bona fide* requirement, and thereafter arrived at a reasoned conclusion that the requirement pleaded was genuine and *bona fide*.

18. Therefore, the findings returned by the learned ARC demonstrate due application of mind to the rival contentions, and this Court is unable to discern any omission to consider any material aspect which would warrant interference in the exercise of the limited revisional jurisdiction vested under Section 25B (8) of the DRC Act.

19. The scope of interference under the proviso to Section 25B (8) of the Act is well settled, as discussed herein before as well. The jurisdiction exercised by this Court is supervisory and revisional in nature and cannot be equated with appellate jurisdiction.

20. This Court cannot, therefore, re-appreciate the material already considered in depth by the learned ARC merely because another view may also be possible. In the facts of the present case, this Court finds no error apparent on the face of the record, perversity or material irregularity in the findings returned by the learned ARC warranting



interference.

21. In view of the foregoing discussion and bearing in mind the limited scope of interference in the Impugned Order under Section 25B (8) of the Act, this Court finds no merit in the present Revision Petition.

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

HARISH VAIDYANATHAN SHANKAR, J.

JULY 13, 2026/nd/va/ma