



2026:DHC:5583



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 13.07.2026**

+ RC.REV. 238/2022 & CM APPL. 39607/2026 (For vacation of the interim stay order dt. 25.05.2023 on behalf of the Respondent)

NAVEEN CHOPRA

.....Petitioner

Through: Mr. S.S Jain, Ms. Sneha Roy &
Ms. Madhu Yadav, Advs.

versus

SUALEHA BEGUM

.....Respondent

Through: Mr. R.M. Bagai & Mohd.
Yasin, Advs.

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

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JUDGEMENT (Oral)

1. The present Revision Petition has been filed under Section 25B (8) of **the Delhi Rent Control, 1958¹**, seeking to assail the **Order dated 21.07.2022²** passed by the **Learned ARC-01, District Central, Tis Hazari Courts, Delhi³** in Eviction Petition No. 1039/2014 titled *Sualeha Begum v. Naveen Chopra* in respect of **Two Shops bearing no. 9004 and 9006, Ram Bagh Road, Pulbangash, Azad Market, Delhi - 110006⁴**.

2. Learned counsel appearing on behalf of the Petitioner assails

¹ The DRC Act

² Impugned Order

³ Learned ARC

⁴ Subject premises



the Impugned Order principally on the following grounds:

- i. That the Eviction Petition ought not to have been instituted by only one of the co-owners/landlords, when the subject premises admittedly had two co-owners/landlords.
- ii. That no leave or waiver of the other co-owner/landlord was obtained before instituting the eviction proceedings individually.
- iii. He further submits that the Respondent/landlord had other reasonably suitable alternate accommodation, which was not disclosed before the learned ARC.
- iv. He further submits that the aforesaid aspect was not duly considered by the learned ARC and, therefore, the Impugned Order stands vitiated on account of such non-consideration.
- v. He lastly submits that with respect to the projected *bona fide* requirement, the same is merely a desire evinced by the Respondent/landlord and not a genuine necessity and though the desire as evinced claims that it is for the benefit of the Respondent/landlord's son to carry out certain business, the son is already carrying on business elsewhere and no evidence in support of the same has been led before the learned ARC.

3. ***Per contra***, learned counsel appearing on behalf of the Respondent/landlord supports the Impugned Order passed by the learned ARC.

4. He submits that each of the aforesaid contentions which are sought to be raised in the present Revision Petition had specifically fallen for consideration before the learned ARC and have been dealt with in detail in the Impugned Order. The relevant findings read as under:



“FINDINGS

A. OWNERSHIP/RELATIONSHIP OF LANDLORD-TENANT

6. Petitioner claims to have derived title in the property through her parents who were owners of various properties. Among others, her father Abdul Mughni was the owner of properties bearing numbers **8997 to 9007, Pul Bangash, Ram Bagh Road, Azad Market, Delhi 110006** whereas her mother Chara Begum was the owner of properties bearing numbers **1136 to 1138, Mohalla Kishan Ganj, Azad Market, Delhi 110006**. After their respective deaths, these properties devolved upon their three surviving children i.e. petitioner/daughter *Sualeha Begum*, son *Mohd. Asif* and another daughter *Abida Begum*.

7. In April 2001, petitioner and her brother Mohd. Asif filed a partition suit no. 760/2001 in the High Court against Abida Begum. The suit resulted in a compromise decree dated 13.08.2001 whereby petitioner and her sister Abida Begum became the joint owners of the properties mentioned above with certain other properties falling into the share of Mohd. Asif. Pursuant to this, petitioner and Abida Begum decided to further divide the above properties amongst themselves through an oral family settlement dated 01.01.2009 which was later on reduced into a written memorandum dated 21.08.2009 (*copy filed*). By virtue of the same, the petitioner became the exclusive owner of the tenanted premises.

8. Respondent has not denied the landlord-tenant relationship between the parties *per se* but agitates that *Abida Begum* is the co-owner of the property, which is also evident from the house tax receipts on record, and in the absence of her written permission to that effect, the present case is not maintainable.

9. The petitioner has already explained how she has derived her exclusive title in the property and placed on record the proceedings of the partition suit as well as the memorandum of family settlement dated 21.08.2009. Neither such family settlement between her and her sister Abida Begum has been challenged anywhere nor has such alleged co-owner come forward and resisted the present petition on such grounds. But even assuming the assertions of joint ownership to be correct, what follows from the same is that, if not the exclusive owner, the respondent at least accepts the petitioner as a *co-owner/co-landlord* in respect of the tenanted premises. It has been held in catena of judgments that even a co-landlord/co-owner can institute an eviction petition against the tenant under the Act (refer "**Kanta Goel v. B.P. Pathak**, AIR 1977 SC 1599). Therefore, the petitioner is competent to file the present eviction petition against the tenant without joining other alleged co-landlords/co-owners. Even otherwise the respondent is estopped from challenging title of the petitioner under Section 116, Evidence Act as there has been a



categorical acknowledgment on his part of her title when he accepted that he had earlier vacated a portion of the tenanted premises (*now bearing no. 9004A*) at her request. It is trite that a tenant cannot dispute the title of his landlord as *once a tenant always a tenant*.

10. From the above it stands firmly established that petitioner is the landlord and owner of the tenanted premises for the purposes of Section 14(1)(e) DRCA whereby she was well competent to have filed the present eviction petition and the objection taken to the contrary thus stands overruled.

B. ALTERNATE REASONABLE ACCOMMODATION.

11. Respondent claims that petitioner and her husband Iqbal Ahmed are owners of several vacant properties, which can be used to meet their son's requirements. He has enumerated a list of them. They are dealt with one by one: -

i. Commercial Properties

(a) Shops no. 6138 to 6144 at Bara Hindu Rao, Delhi -110006.

12. The above properties are stated to be in under the ownership of petitioner's husband Iqbal Ahmed and lying vacant.

12.1 Petitioner accepts the same to be of her husband's but denies them to be vacant. Property no. 6138, 6139, 6141-6144 are under the occupation of different tenants since long and its rental income is used for sustenance by her aged husband of 75 years old. The names of the tenants have been disclosed by the petitioner in her reply. Property no. 6140 is a place from where petitioner's husband was earlier running a factory but closed it a few years ago under government's direction and currently in a dilapidated condition. All the properties are stated to be non-suited for petitioner's need being located in the narrow lanes whereas the tenanted premises is situated at the main road on Azad Market Chowk which is more lucrative for the business.

12.2 Except for taking vague pleas, nothing has been placed on record to refute petitioner's claim. Respondent has not been able to show either that the properties are lying vacant or that they are in a fit condition. In view of the petitioner's submissions, such properties cannot be considered as suitable alternative accommodation. Even otherwise, it is for the landlord to decide which accommodation is best suited to her needs and the tenant cannot dictate to the landlord to choose one accommodation over the other.

(b) Property no. 9003, Pul Bangash, Azad Market, Delhi - 110006.

13. Respondent claims that the aforesaid property belongs to the petitioner and is also lying vacant to which petitioner has disclosed that the property does not even exist, being demolished by the Government in 2014. Nothing has been placed on record by the



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respondent, not even any photographs which could show the existence of such property whereby petitioner's claim *qua* the same has to be accepted as correct and that of respondent has to be rejected.

(c) Property no. 9004A, Pul Bangash Azad Market, Delhi – 110006

14. Respondent has alleged that the property was earlier under his tenancy but was vacated in May 2005 to accommodate petitioner's son but instead of utilizing the space for the projected need, she re-let the same to one "Mahesh Sachdeva" who is running his business under the banner "M/s Khushdil Kulfi and Choley Bhature".

14.1 Petitioner has refuted such claim. She has explained that such property was illegally sub let by the respondent himself to above stated tenants in December 2006 leaving her with no option but to subsume such tenancy and accept them as their tenants as they had earlier also been their tenants in another shop no. 9003 (*since demolished*).

14.2 Respondent has failed to substantiate his claim. Even if his plea is to be accepted as correct, admittedly the property was let out way back in 2005/2006 whereas the present petition is based on the *bonafide* need of the petitioner's son that has emerged in 2014. Petitioner cannot be expected to have anticipated her son's requirement 8 years into the future. Hence, this contention of the respondent is also not sustainable.

(d) Property No. 1136, Mohalla Kishan Ganj, Telewara Delhi.

15. The property is alleged to be vacant but petitioner has disclosed that the same is already occupied by the tenant Shahina Begum to which no contrary material has been placed on record by the respondent. Thus, the bald assertions made by the respondent have to be rejected.

(e) Properties no. 8999, 9000, 9000/1 & 9005/2 Rani Jhanshi Road, Pul Bangash, Azad Market and Property No. 1137, Mohalla Kishan Ganj, Telewara Delhi.

These properties have come into the exclusive share of petitioner's sister Abida Begum by virtue of the oral family settlement between the sisters and later on reduced to a memorandum of family settlement dated 21.08.2009 and therefore the availability of such properties are irrelevant as the petition is based on the need of the petitioner and not her sister. Respondent has not been able to successfully challenge such family settlement and therefore his plea regarding the availability of such properties stands rejected.

II. Residential Premises

(f) Property no. 3368, Bagichi Accheji, Bara Hindu Rao, Delhi

17. Respondent states that there are shops at the ground floor of this property. It is also submitted that petitioner is the owner of an adjacent property. Reference is also made to an industrial plot at



Wazirpur Industrial Area owned by petitioner's husband Iqbal Ahmed.

17.1 While the ownership of any adjacent property is denied, as regards the above said property, petitioner has submitted that same is an ancestral and a joint residential property wherein her two brother-in-laws Abdul Latif and Feroz Ahmed are also residing with their families. The property is neither vacant nor commercial to suit petitioner's needs. Further, the property being a joint residential property, it cannot be expected of the petitioner to dislodge the other members from the property only to accommodate her son, As regards the industrial plot, the availability of such premises loses its significance as same is not a "shop" but only a plot.

Therefore, the respondent's plea is unsustainable.

(g) Property no. 9005/3 & 9005/5 Pul Bangash Azad Market and 1138, Mohalla Kishan Ganj, Telewara, Delhi.

18. The aforesaid properties are claimed to be neither commercial nor Vacant but residential properties by the petitioner. Property no. 9005/3 is under occupation of LR of tenant Brij Lal Dhawan and property no. 9005/5 is under occupation of son-in-law Mohd. Javed since long. Petitioner has also relied upon an old rent note dated 05.04.1980 executed with the erstwhile tenant of property no. 9005/5 which clearly shows that premises are residential in nature. It has not been shown by the respondent that these properties are commercial as well vacant. The need of the petitioner being commercial one, the availability of such properties otherwise also would be of no consequence.

19. Thus, it is clear from above that the respondent has only made vague assertions, without any basis or proof thereof, regarding the availability of alternate accommodation with the petitioner. The onus was upon him to atleast *prima facie* establish the availability of such properties which he has failed to do. Such bald statements cannot be made the basis of grant of leave to defend lest in every case the tenant would be successful in obtaining leave by merely alleging that the landlord has other properties thereby defeating the very object of the summary procedure provided under the Act. It has been held by the Hon'ble Delhi High Court in case titled "**Mohd. Naseer Vs. Mohd. Zaheer and Anr.**", RC Rev. No. 267/2016 dated 03.11.2016 as follows:-

"19. Clearly, the contentions raised by the petitioners appear to be an allegation without any basis whatsoever. The respondent on affidavit has denied the contention and has named the occupants/tenants. The petitioner themselves are occupying a shop in the premises and would certainly have better details if the respondent was in occupation of the two shops Mere raising of baseless contentions against the landlord



cannot be a ground for being granted leave to defend to the petitioners. It cannot be said that the petitioners have given facts or particulars which require to be established by way of evidence. The petitioners have merely made allegations for the sake of making allegation. There is no merit in the said plea of the petitioner.

20. The trial court has rightly concluded that the petitioners have failed to place on record any material to raise a suspicion that the respondents are having a vacant space on the ground floor of the suit property which can be used by them to open his workshop for industrial tools.”

20. Respondent has also relied upon certain documents along with his written arguments, albeit without the permission of the Court, which are copies of cross-examination of son of the petitioner Anwar Ahmad in some other case. By relying upon such cross-examination, respondent wants to emphasize that the petitioner is having a number of properties in her name. All such properties admitted by the son of the petitioner in such cross-examination have already been dealt with herein above and therefore such documents are of no consequence.

In view thereof, it can be safely concluded that the petitioner does not have any alternate reasonably suitable accommodation to meet her requirements and the respondent has failed to establish anything to the contrary.

C. BONAFIDE NEED

21. Respondent has resisted the *bonafide* need of the petitioner and claimed that her son is already running a business from a more lucrative place i.e. Karol Bagh from his own premises and that the petitioner is already having a number of other properties in her name. The issue of availability of alternate accommodation has already been dealt with and answered in the negative above. Such objection therefore becomes irrelevant to decide the issue of *bonafide* requirement.

22. As regards the question of ownership of property situated at Karol Bagh from where the petitioner's son is running his footwear business, only vague assertions have been made by the respondent. On the other hand, petitioner has placed on record certain documents including a Verification Report by a VAT inspector with regard to such business which clearly mentions that such property has been taken on rent by the petitioner's son. Respondent has not been able to produce any counter document which could falsify the same nor been able to bring anything else on record to show his ownership. It would be unreasonable to ask of the petitioner that her son should work from a rented premises instead of a property owned by her. Even otherwise, petitioner has claimed



that such shop and godown is situated at a narrow lane which makes loading and unloading of stock difficult and that the tenanted premises is better in terms of location and more suitable to accommodate the needs of her son. Tenant is no one to dictate which property is to be used by the landlord and in which manner. Landlord is the best judge of her requirements. If the petitioner feels that the tenanted premises are best suited to meet her son's business prospects, the respondent cannot contend that she should adjust in some other way.

The objection thereof accordingly stands overruled.

23. The remaining objection of the respondent is that the petitioner's only intention is to re-let the property to another tenant at a higher rent. Such apprehension of the respondent is well protected by Section 19, DRCA. As regards the issue of correctness of the site plan, respondent has not explained in what aspects it is incorrect, in any case, the identity of the property is not in dispute and the eviction has to be carried out as per the description/identity and not as per the site plan.

24. Respondent has also relied upon two citations in support of his arguments, none of which is applicable to the facts of the case. He seems to have relied only upon the general principles for granting leave to defend in the said authorities. The first case title "***Inderjeet Kaur Vs. Nirpal Singh***", decided by the Apex Court in Civil Appeal no. 7385/2020 and SLP (Civil) 554/2000 on 15.12.2000 is based upon the residential requirement of the landlord who and whose children were settled abroad and thus clearly distinguished from the facts of the case. Respondent has also relied upon the another case titled as "***Abid-Ul-Islam Vs. Inder Sain Dua***", 2022 Live Law (SC) 353 of the Apex Court which also does not help his case and in fact goes against him in as much as in the said case prayer of leave to defend to the tenant had been declined. However, there is no denying the legal principles laid down in both the above cases that the *tenant must make out such prima facie case raising such pleas that a triable issue would emerge which in the opinion of the court would be sufficient to grant leave*. However, in the present case the respondent/tenant has not been able to raise any such triable issues."

5. He further submits that this Court, while passing the Order dated 03.11.2025, had already expressed a *prima facie* view with regard to the findings returned by the learned ARC and observed that there appeared to be hardly any ground warranting interference. The said Order was assailed before the Hon'ble Supreme Court by way of



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a **Special Leave Petition**⁵ which also came to be dismissed, finding no merit in the challenge to the said Order.

6. At this stage, learned counsel for the Petitioner seeks to supplement his submissions by contending that, in certain other eviction proceedings initiated by the Respondent/landlord in respect of other premises, findings have been returned against the Tenants therein and, therefore, the same also deserve to be considered while examining the availability of alternate accommodation. This Court notes that there is no document placed on record to substantiate the same.

ANALYSIS:

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

8. 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.

9. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**⁶, **Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh**⁷, and, more recently, in **Abid-Ul-Islam v. Inder Sain Dua**⁸, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B (8) of the DRC Act is supervisory

⁵ SLP

⁶ (1998) 8 SCC 119

⁷ (2014) 9 SCC 78

⁸ (2022) 6 SCC 30



and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

10. 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.***⁹, and ***Sanjeev Hiranandani v. Sunny Grover***¹⁰.

11. 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 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.”

⁹ 2024:DHC:9322

¹⁰ 2025:DHC:11285



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12. 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.

13. 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 extracted findings reproduced hereinabove demonstrate that the learned ARC has not proceeded merely on the basis of general assertions but has adverted to each of the objections raised by the Petitioner, examined the material placed on record and assigned cogent reasons while returning findings thereon.

14. Insofar as the challenge to the maintainability of the Eviction Petition on the ground that it had been instituted by only one of the co-owners is concerned, the learned ARC has examined the chain of title, the family settlement relied upon by the Respondent and the admitted relationship between the parties. The learned ARC has further considered the settled legal position that a co-owner/co-landlord is competent to maintain an eviction petition and has also noticed the estoppel operating against the tenant under Section 116 of the Indian Evidence Act, 1872. The said findings are neither shown to be



contrary to the material placed on record nor demonstrably erroneous so as to warrant interference by this Court.

15. Similarly, while examining the plea regarding the alleged availability of alternate accommodation, the learned ARC has dealt with each of the properties specifically relied upon by the Petitioner instead of rejecting the contention in a cursory manner. The Impugned Order records reasons with respect to every property alleged to be available with the Respondent and explains why the same cannot be regarded as reasonably suitable alternate accommodation.

16. The learned ARC has thereafter examined the plea of *bona fide* requirement independently and, after considering the objections relating to the Respondent's son's existing business as well as the alleged intention to re-let the premises, has returned a reasoned finding that the requirement projected by the Respondent is genuine and *bona fide*.

17. In the facts and circumstances of the present case, this Court is satisfied that the learned ARC has duly considered each of the objections raised by the Petitioner, analysed the documentary material placed on record and returned well-reasoned findings on the issues of ownership, maintainability, alternate accommodation and *bona fide* requirement. The findings returned by the learned ARC do not disclose any error apparent on the face of the record, perversity or material irregularity warranting interference in exercise of the limited revisional jurisdiction vested in this Court under Section 25B (8) of the Act.

18. The submissions advanced on behalf of the Petitioner essentially seek a re-appreciation of the material already considered by



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the learned ARC, which is impermissible while exercising revisional jurisdiction under Section 25B (8) of the Act.

19. In view of the detailed consideration already accorded by the learned ARC to the issues sought to be raised before this Court and having regard to the limited scope of interference available under Section 25B (8) of the Act, this Court finds no reason to interfere with the Impugned Order.

20. After the above Judgment had been dictated by this Court wherein the matter came to be dismissed, learned counsel for the Petitioner sought to further argue the matter and refer to certain judgments and place them on record with a request that the same also be considered. This Court is of the view that the arguments should have been comprehensive and any judgment sought to be relied upon should have been done so during arguments and not after the judgment was dictated in open Court.

21. Once the matter had been heard in its entirety and judgment had already been dictated, permitting the Petitioner to introduce fresh authorities would not be appropriate. This Court, therefore, declines the said request.

22. Accordingly, the present Petition, along with the pending application(s), if any, stands dismissed in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.
JULY 13, 2026/v/va/ma