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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 13.10.2026**# **CNR No. DLHC010369892026**+ **RC.REV. 277/2026 & CM APPL. 53193/2026 (Stay)****PRAMOD KUMAR**

.....Petitioner

Through: Mr. Sanjay Dewan, Senior Advocate along with Mr. Anish Dewan, Mr. Nikhil Goel, Mr. Atul Kumar, Mr. Ankush Munjal and Mr. Shivam Arora, Advocates.

versus

RAKESH KUMAR SHARMA

.....Respondent

Through: Mr. Rajender Yadav, Advocate.

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

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JUDGEMENT (Oral)**CAV 379/2026**

1. Since learned counsel for the Respondent has entered appearance, the *Caveat* stands discharged.

RC.REV. 277/2026

2. The present Revision Petition has been instituted under the *proviso* to Section 25B(8) of the Delhi Rent Control Act, 1958 [**“DRC Act”**], assailing the Judgment/Order dated 18.04.2026 [**“Impugned Order”**] passed by the learned Additional Rent Controller (West), Tis Hazari Court, Delhi [**“learned ARC”**] in ARC No. 06/2020 titled *“Rakesh Kumar Sharma vs. Pramod Kumar”*.

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SUBMISSIONS ON BEHALF OF THE PARTIES:

3. Mr. Sanjay Dewan, learned Senior Counsel appearing for the Petitioner, assails the Impugned Order on two grounds. *First*, it is contended that the subject premises had been partitioned amongst the family members and that the portion forming the subject matter of the Eviction Petition had not fallen to the share of the Respondent. Learned Senior Counsel further submits that an Application had been filed by the Petitioner seeking to bring on record the Site Plan reflecting the partition effected between the Respondent and his relatives. However, according to the Petitioner, the said Site Plan was not brought on record. It is contended that this omission is material, since the Respondent's entitlement to the specific portion forming the subject matter of the Eviction Petition is itself disputed.

4. Second, learned Senior Counsel submits that the requirement pleaded by the Respondent is not *bona fide*, as his son is gainfully employed and is already engaged in business. It is contended that the availability of employment and the business-related documents, including the GST particulars and Importer Exporter Code placed on record by the Petitioner, belie the assertion that the premises are required for the commencement of a business by the Respondent's son.

5. No other grounds have been urged by the learned counsel for the Petitioner.

6. **Per contra**, learned counsel appearing for the Respondent supports the Impugned Order. On the issue of partition, it is submitted that the co-owners had issued No Objection Certificates in favour of the Respondent and that a Site Plan prepared with reference to the Partition Deed was also placed on record. The Respondent, therefore,



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contends that the challenge to his entitlement in respect of the tenanted premises is contrary to the record.

7. As regards *bona fide* requirement, learned counsel submits that the learned ARC has considered the plea in the context of the material placed before it and rightly held that the son's employment or his earlier business activity does not, by itself, negate the Respondent's genuine desire to establish a business for him in the subject premises.

8. It is lastly submitted that no ground warranting interference in the limited revisional jurisdiction of this Court is made out, hence the present Petition is liable to be dismissed.

ANALYSIS:

9. This Court has heard learned Counsel appearing on behalf of the parties at length, and, with their able assistance, perused the relevant documents as also the Impugned Order.

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.

11. The contours of the aforesaid jurisdiction are well settled. The Hon'ble **Supreme** Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***¹, ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***², and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***³, 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.

¹ (1998) 8 SCC 119

² (2014) 9 SCC 78



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.**⁴, and **Sanjeev Hiranandani v. Sunny Grover**⁵.

13. 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:

“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.”

14. In **Pankaj Pahwa** (supra), a Coordinate Bench of this Court,

³ (2022) 6 SCC 30

⁴ 2024:DHC:9322

⁵ 2025:DHC:11285



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. 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 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.

16. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged by the learned counsel on behalf of the Petitioner against the Impugned Order are required to be examined. In this backdrop, it would be apposite for this Court to extract the relevant portion of the Impugned Order, which reads as under:

“(i). LANDLORD-TENANT RELATIONSHIP:-

17. In the present case the relationship of landlord and tenant has been disputed by the respondent and though it has not been denied



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rather the same was affirmed during arguments that the respondent has come into the premises as tenant and the said fact is mentioned in the leave to defend application of the respondent that he was approached by the brothers of the petitioner for taking their premises on payment of sum of Rs. 6 Lakhs, out of which the respondent paid cash of Rs. 5 Lakh in the year 1992 and for the remaining Rs. 1 Lakh, he started paying Rs. 400/- p.m. to the brother of the petitioner and continued to pay the same till the year 2004. Thus, by way of "approbating and reprobating" the respondent in a way has accepted his tenancy and in so far as his contention regarding the purchase of the premises from the brother of the petitioner is concerned, from all his pleadings contained in his leave to defend, it is very much evident and apparent that the respondent has not filed even a piece of paper to show that he had paid any such sum to the brothers of the petitioner or that he has acquired any permanent right or ownership right over the tenanted premises. Thus, these mere bald averments of having purchased the premises without any title documents are wholly useless and unproductive.

18. The respondent has further challenged the partition deed executed between the family members of the petitioner, however, it has been very clearly held by the Hon'ble High Court of Delhi in **A.K. Nayar Vs. Mahesh Prasad** that:

"... a tenant cannot challenge the family settlement nor can ask the Court to ignore the document on the ground of its not having been registered."

19. Thus, neither the tenant has been able to show that he has acquired any kind of ownership over the premises nor his allegations of the partition deed being forged and fabricated has any value in the eyes of law, being a worthless point to be raised. Further, the partition deed is a registered document and viz-a-viz any written document a mere oral averments of any party is wholly insignificant. Further, the law in this regard is very clear that the tenant cannot dispute the title of the landlord or his successor-in-interest i.e. he/she is estopped from challenging the ownership or denying the title of the landlord. The principle is very clear that once a tenant is always a tenant and therefore, it is not open for her/him to challenge the title or the ownership of landlord or his successor-in-interest.

20. To quote the Hon'ble High Court of Delhi in **Rajender Kumar Sharma Vs. Smt. Leela Wati 155 (2008) DLT 383**;

"... it is settled law that for the purpose of Sec. 14 (1) (c) of Delhi Rent Control Act, a landlord is not supposed to prove absolute ownership as required under Transfer of Property Act. He is required to show only that he is more than a tenant."

21. The other such contention of the respondent that all the rent receipts relied upon by the petitioner are forged and fabricated are



just bald averments because it is rather very easy for anybody to discredit a document just by making a statement that the same is forged and fabricated without substantiating anything in this regard. Particularly, in the case at hand, when the respondent himself has submitted on affidavit in his leave to defend that he has been paying charges to the brothers of the petitioners since 2004 and therefrom had confirmed his status as a tenant and now taking such pleas that the rent receipts are forged, does not make out any case for him. Moreover, whether or not he has paid any rent after 2004 would not alter his status as such even if in his mind he assumed himself to be the owner. Thus, this authority is not going to discard these entire set of rent receipts of different years wherein the same has been issued to the respondent and allegedly signed by him.

22. It has also been contested by the respondent that from the partition it is not clear which shop fell in to the share of which brother of the petitioner and also that if the partition was effected in the year 2004 then how come the petitioner was landlord/owner even before that as per the rent receipts filed by him. However, it is a settled principle of law that any co-owner can file an eviction petition against the tenant and thus, even if it is not clear in the mind of the respondent which shop belongs to which brother, he is not to be bothered. Thus, there is no requirement of impleading all the co-owners. Reliance in this regard is placed on the decision of the Hon'ble Supreme Court of India in **Dhanna Lal Vs. Kalawati Bai & Ors. (2002) 6 SCC.**

23. Hence, so far the existence of the relationship of landlord and tenant between the petitioner and respondent is concerned, the same is held to be established in view of the above discussions and pronouncements and respondent has failed to substantiate anything contrary.

(ii) BONAFIDE REQUIREMENT:

24. The other requirement is that the premises should be required for the *bonafide* need of the landlord/petitioner and it is the case of the petitioner that the same is required for his sons, so that they can start their business. However, it is contested in this regard that the petitioner does not have any *bonafide* requirement rather, his son has been employed and has been earning handsomely for which an application was also filed U/O 8 Rule 1A CPC for bringing on record subsequent event, wherein GST Number and Importer Exporter Code of the son of the petitioner.

25. Firstly, in **Baldev Singh Bajwa Vs. Monish Saini (2005) 12 SCC 778**; it has already been held by the Hon'ble Supreme Court that "*whenever landlord seeks eviction of the tenant for bonafide need, the Controller shall presume the need as genuine and bonafide. Additionally, the burden to refute such presumption squarely lies on the tenant and mere assertion on the part of tenant is insufficient.*"



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26. Secondly, by bringing on record the abovesaid subsequent facts which the respondent has pleaded in his leave to defend application also, what the respondent is trying to prove is that the petitioner and his son are already engaged in some business but the petitioner has concealed the fact that his son is gainfully employed and thus has played fraud upon the court and therefore, this requirement is not *bonafide*.

27. It is well settled that a person is not supposed to remain unemployed till the disposal of the eviction petition. Furthermore, this Court is of the opinion that there is nothing mala fide if the petitioner wants to help his son to start his own business in the tenanted premises. Rather, the said requirement seems to be bonafide as he wants to earn his livelihood and the tenant cannot stop the landlord from starting any business for livelihood.

28. It is well settled law that landlord cannot be directed to squeeze himself into a space, which may not be sufficient to meet the requirement for himself and his son who is dependent upon him for commercial premises, only to prevent any hardship to the tenant. It is also not open to the Court or the tenant to dictate terms to the landlord as to how he adjust himself only to preclude the tenant from being evicted. When father and son are engaged in business, one shop may not be sufficient to accommodate the customers and his son. Reliance is placed upon the judgment of **Prem Prakash Malik Vs. Ram Gopal Rajwanshi** decided by Hon'ble High Court in RC (REV.) 344/2011 on 29.08.2012.

29. Even if the petitioner and his son have been working, and the son is running some business, would it mean there is a complete embargo upon him now not to start any new business or take up any new enterprise as the same is fundamental right of a citizen which is Constitutionally guaranteed. There also cannot be a ground for rejecting any eviction petition only on the basis that someone has the GST Number or is running any business in partnership, as is evident from the documents submitted by the respondent alongwith his application filed U/o 8 Rule 1-A CPC. In this regard, it has also been clarified by the petitioner that it can never be expected from the landlord to keep sitting idle and wait for result of the eviction petition and instead his son started one business in partnership, however, the venture was unsuccessful because of which the GST was cancelled in the year 2020.

30. Further, it has already been held by the Hon'ble Delhi High Court in **Smt. Phool Kumari & Ors. Vs. Shyam Bir Tyagi RC ARC No. 318/2013 dated 01.10.2014** that no triable issue is raised on the ground if the tenant denies that the landlord is not unemployed. Similarly, it was held by the Hon'ble Supreme Court of India in **Raghunath G. Panhale Vs. M/s Chhagan Lal Sundarji & Co.** that "*A landlord need not lose his existing job nor resign it nor reach a level of starvation, to contemplate that he must get possession of the premises for establishing business.*"



31. In view of the above, no triable issue has been raised qua the *bonafide* requirement of the petitioner.”

17. The first objection concerns the partition of the property and the assertion that the premises in question did not fall to the Respondent’s share. The Petitioner’s submission is that, although an Application had been filed to bring the Site Plan reflecting the partition on record, the Site Plan was not filed. This contention must, however, be considered alongside the contemporaneous Order dated 21.11.2022. The said Order records that the Site Plan prepared with reference to the Partition Deed, together with the No Objection Certificates issued by the other co-owners, was taken on record and copies were supplied to the opposite side. Thus, the specific assertion that no such document was brought on record does not accord with the recital contained in the Order dated 21.11.2022. The challenge must be examined in the light of the material available on record, with due regard to the distinction between the Petitioner’s submissions and the contemporaneous judicial record. The relevant portion of the Order dated 21.11.2022 is reproduced hereinbelow:

“21.11.2022

Present: Ld. Counsel for the petitioner along with petitioner.

Ld. Counsel for the respondent along with respondent.

Matter is fixed for production of the concerned documents as per the application of the respondent in the present matter.

Today, counsel for the petitioner has filed NOCs issued in favour of the petitioner by the other co-owners of the suit property as well as the site plan as per the Partition Deed in support of the case of the petitioner.

Same are taken on record. Copies of the same supplied to the counsel for the respondent.

Accordingly, at the request of Ld. Counsel for both the parties, put up for arguments on leave to defend application on the NDOH i.e. 24.01.2023.”

18. Once the relevant Site Plan and the No Objection Certificates of



the persons between whom the partition had been effected was available, the tenant cannot question the ownership or claim of the Respondent with respect to the portion falling to the Respondent's share. A general assertion that the subject premises had not fallen to the Respondent's share cannot, in the face of the documents recorded as having been placed on record, as also the no objection of the other parties between whom the property came to be partitioned, establish or sustain a plea of perversity or material irregularity in the Impugned Order. No specific error apparent in the learned ARC's treatment of those documents has been demonstrated before this Court.

19. The legal position concerning the right of a co-owner to maintain eviction proceedings is also well settled. In ***India Umbrella Manufacturing Co. v. Bhagabandei Agarwalla***⁶, the Hon'ble Supreme Court reiterated that one co-owner may institute eviction proceedings in respect of property owned jointly, the principle being founded on the doctrine of agency; the consent of the other co-owners is ordinarily presumed unless it is shown that they opposed the eviction. The Court held that a tenant cannot defeat eviction proceedings merely by insisting that every co-owner be joined. In the present case, the Respondent's reliance upon the No Objection Certificates of the other co-owners further weakens the Petitioner's objection, and no material has been shown to establish that the co-owners opposed the Respondent's action. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

“6. Having heard the learned counsel for the parties we are satisfied that the appeals are liable to be dismissed. It is well settled

⁶ (2004) 3 SCC 178



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that one of the co-owners can file a suit for eviction of a tenant in the property generally owned by the co-owners. (See **Sri Ram Pasricha v. Jagannath** [(1976) 4 SCC 184] and **Dhannalal v. Kalawatibai** [(2002) 6 SCC 16] , SCC para 25.) This principle is based on the doctrine of agency. One co-owner filing a suit for eviction against the tenant does so on his own behalf in his own right and as an agent of the other co-owners. The consent of other co-owners is assumed as taken unless it is shown that the other co-owners were not agreeable to eject the tenant and the suit was filed in spite of their disagreement. In the present case, the suit was filed by both the co-owners. One of the co-owners cannot withdraw his consent midway the suit so as to prejudice the other co-owner. The suit once filed, the rights of the parties stand crystallised on the date of the suit and the entitlement of the co-owners to seek ejectment must be adjudged by reference to the date of institution of the suit; the only exception being when by virtue of a subsequent event the entitlement of the body of co-owners to eject the tenant comes to an end by act of parties or by operation of law.”

20. It is equally relevant that the Petitioner’s own case, as noticed by the learned ARC, was that the Respondent had entered the premises as a tenant and had allegedly paid certain amounts to the Respondent’s relatives with a view to acquiring the subject premises. The learned ARC found that no documentary material had been produced to substantiate the alleged purchase or to establish the acquisition of any ownership right by the Petitioner. In the absence of such material, the bare assertion of purchase does not, by itself, displace the relationship of landlord and tenant found by the learned ARC to have been established.

21. It is trite law that having admitted to entering the premises as a tenant, the Petitioner cannot claim a right to continue in possession by disputing the title of the very landlord under whom he was inducted into possession, in the absence of cogent evidence establishing a better title than that of the landlord.

22. The second objection concerns the *bona fide* requirement of the



Respondent, who seeks the premises to enable his son to commence business. The principal submission is that the son is gainfully employed and has also been associated with a business, as reflected in the GST particulars and Importer Exporter Code relied upon by the Petitioner. The existence of employment or prior business activity, however, cannot be treated as conclusive proof that the stated requirement is not genuine. The relevant inquiry is whether, on an overall assessment of the pleadings and material, the requirement asserted by the landlord is genuine and *bona fide*, and not whether the tenant considers the proposed business necessary or commercially preferable.

23. In *M/s. Sait Nagjee Purushotham & Co. Ltd. v. Vimalabai Prabhulal*⁷, the Hon'ble Supreme Court held that the landlord's desire to commence or expand business cannot be rejected merely because the landlord or members of the family are already engaged in business elsewhere. The Court observed that it is the landlord's prerogative to determine the nature and place of business and that the tenant cannot dictate what the landlord ought to do. The Court also recognised the practical reality that a landlord cannot be expected to remain idle throughout protracted litigation and that subsequent developments must be assessed pragmatically, particularly where they do not extinguish the underlying need. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

“4. First of all we shall take up the question of bona fide need of the landlords. So far as the partition of the property and the present premises coming to the share of the landlords are concerned, there is no dispute that the portion of the building has come to the share of the landlords and they are the owners as a result of the partition of the family properties. But the question is whether the landlords

⁷ (2005) 8 SCC 252



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who are the owners of the portion of the building have substantiated the allegation with regard to the bona fide need or not. We have gone through the findings of the trial court as well as that of the Appellate Authority and the High Court and after closely scrutinising the same, we do not think that the finding recorded by the appellate court and the High Court can be interfered with by this Court on the ground of being perverse or without any basis. The landlords have led evidence to show that one of their sons who had requisite qualification for starting a computer institute wants to establish the same at Calicut and others for extension of their business. The trial court as well as the first appellate court and the High Court examined the statements of PWs 2 and 3 and after considering their evidence, the appellate court reversed the finding of the trial court and held that the need of the respondent landlords to start a business at Calicut, is bona fide and genuine. It was held that it cannot be said that a person who is already having a business at one place cannot expand his business at any other place in the country. It is true that the landlords have their business spreading over Chennai and Hyderabad and if they wanted to expand their business at Calicut it cannot be said to be unnatural thereby denying the eviction of the tenant from the premises in question. It is always the prerogative of the landlord that if he requires the premises in question for his bona fide use for expansion of business this is no ground to say that the landlords are already having their business at Chennai and Hyderabad therefore, it is not genuine need. It is not the tenant who can dictate the terms to the landlord and advise him what he should do and what he should not. It is always the privilege of the landlord to choose the nature of the business and the place of business. However, the trial court held in favour of the appellant tenant. But the appellate court as well as the High Court after scrutinising the evidence on record, reversed the finding of the trial court and held that the need of establishing the business at Calicut by the landlords cannot be said to be lacking in bona fides.

5. Learned counsel for the appellant submitted that in fact this plea of either starting business or expanding it at Calicut is nothing but a sham and it was also pointed out that some of the sons have multifarious activities and are already established in some other business and one of the sons i.e. Respondent 9 had already gone to the United States of America and he has settled there. Therefore, the need is not bona fide. We fail to appreciate that when two sons are there and if they want to expand their business at Calicut then it cannot be said that the need is a sham one. It is not possible for the landlords and their sons to wait till the disposal of the case. They have to do something in life and they cannot wait till the appellant is evicted from the premises in question. It is common experience that landlord-tenant disputes in our country take a long time and one cannot wait indefinitely for resolution of such litigation. If they



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want to expand their business, then it cannot be said that the need is not bona fide. It is alleged that one of the sons of the landlords has settled in the USA. That does not detract from the fact that the other sons of the landlords want to expand their business at Calicut. Indian economy is going global and it is not unlikely that prodigal sons can return back to the motherland. He can always come back and start his business at Calicut. On this ground we cannot deny the eviction to the landlords.

6. In support of the plea of bona fide requirements by the landlords, learned Senior Counsel for the respondents sought to support the same by placing reliance on the decision of this Court, in the case of **Ramkubai v. Hajarimal Dhokalchand Chandak** [(1999) 6 SCC 540] in which it was observed that *B* was unemployed on the date of filing of the suit but in the meanwhile started some business and in that context, Their Lordships held that he cannot be expected to idle away the time by remaining unemployed till the case was finally decided. It was held that if the eldest son was carrying on business along with his mother, that does not mean that his need has not been established for starting his own business.

7. In the case of **Pratap Rai Tanwani v. Uttam Chand** [(2004) 8 SCC 490] it was held that the bona fide requirement of the landlord has to be seen on the date of the petition and the subsequent events intervening due to protracted litigation will not be relevant. It was held that the crucial date is the date of petition. Their Lordships further observed that the normal rule is that the rights and obligations of the parties are to be determined on the date of the petition and that subsequent events can be taken into consideration for moulding the reliefs provided such events had a material impact on those rights and obligations. It was further observed by Their Lordships that it is a stark reality that the longer is the life of the litigation the more would be the number of developments sprouting up during the long interregnum. Therefore, the courts have to take a very pragmatic approach of the matter. It is common experience in our country that specially landlord-tenant litigation prolongs for a long period. It is true that neither can the person who has started the litigation sit idle nor can the development of the events be stopped by him. Therefore, the crucial event should be taken as on the date when the suit for eviction was filed unless the subsequent event materially changed the ground of relief.

8. In the case of **Gaya Prasad v. Pradeep Srivastava** [(2001) 2 SCC 604] Their Lordships observed that the landlord should not be penalised for the slowness of the legal system and the crucial date for deciding the bona fides of the requirement of the landlord is the date of his application for eviction. Their Lordships also observed that the process of litigation cannot be made the basis for denying the landlord relief while litigation at least reaches the final stages. However, Their Lordships further added that subsequent events may in some situations be considered to have overshadowed the



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genuineness of the landlord's need but only if they are of such nature and dimension as to completely eclipse such need and make it lose significance altogether.

9. Thus, we are of opinion that the view taken by the first appellate court as well as by the High Court appears to be justified and there is no reason to take a contrary view of the matter.”

24. Applying the aforesaid principle, the son's employment or association with a business does not, without more, render the Respondent's stated requirement illusory. A person may seek to establish an independent business notwithstanding existing employment or a prior business venture. The fact that a GST registration or Importer Exporter Code had been obtained is, at its highest, indicative of business-related activity; it does not, by itself, establish that the proposed requirement for the tenanted premises is sham or that the need has ceased to exist.

25. The Respondent's explanation, as noticed by the learned ARC, was that the son had entered into a business venture in partnership while the eviction proceedings were pending, but the venture did not succeed and the GST registration was cancelled in 2020. The Petitioner has not demonstrated how this explanation was ignored or how the documents relied upon necessarily negate the requirement pleaded in the Eviction Petition. Nor has any material been identified which establishes that the subsequent business activity completely eclipsed or extinguished the asserted need. In these circumstances, the mere existence of the aforesaid documents does not disclose a patent error in the learned ARC's conclusion.

26. This Court must also guard against substituting its own assessment of the commercial wisdom of the proposed business for that of the landlord. Whether the son should continue in employment, pursue a business in partnership, or commence an independent venture



is not a choice that the tenant can dictate. This Court's concern is confined to examining whether the requirement is genuine and whether the finding returned by the learned ARC suffers from an error warranting revisional interference. On the material identified by the Petitioner, no such error is made out.

27. The two grounds urged by the Petitioner have thus been considered in the context of the record and the reasoning adopted by the learned ARC. It bears reiteration that the revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act is not an avenue for a second appraisal of the evidence or for replacing a plausible view of the learned ARC with another view. Interference is warranted where the order is vitiated by a jurisdictional error, manifest illegality, material irregularity, perversity, or an error apparent on the face of the record. The Petitioner has not established any such infirmity in the Impugned Order.

28. In view of the foregoing discussion, this Court finds no ground to interfere with the Impugned Order in exercise of its limited revisional jurisdiction. Accordingly, the present Petition, being devoid of merit, stands dismissed.

29. The present Petition, along with pending Application(s), if any, stands disposed of in the aforementioned terms.

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 13, 2026/nd/ma