



\$~21

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

Date of decision: 14.07.2026

+ **RC.REV. 165/2026 & CM APPL. 31141/2026 (Stay)**

JAY PRAKASH

.....Petitioner

Through: **Ms. Shruti Munjal, Advocate.**

versus

SH. VIJAY GAUR & ORS.

.....Respondents

Through: **Mr. Sidharth Joshi, Mr.
Tejender Singh and Mr.
Sourabh Gupta, Advocates.**

CORAM:

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

%

JUDGEMENT (Oral)

1. In view of the fact that the lawyers are abstaining from work today, the learned counsel for the parties were specifically queried whether they are willing that the matter be taken up for hearing. Upon their consent, the present matter was taken up for hearing.

2. The present Revision Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958**¹ read with Section 151 of the Code of Civil Procedure, 1908 for setting aside the Order dated 03.11.2025 [**“Impugned Order”**] passed by the learned ARC-02 (Central), Tis Hazari Court, Delhi in the matter, being RC ARC No. 80185/2016, titled as *“Sh. Anurag Bindwala v. Sh. Jagdish Chand*

¹ DRC Act



2026:DHC:5617



Satynarain”.

3. Learned counsel appearing for the Petitioner has raised the challenge to the Impugned Order, rendered by the learned ARC, on three planks, as delineated in the ensuing paragraphs.

4. The first plank relates to the title of the landlord. In this regard, learned counsel for the Petitioner submits that the Respondent/landlord has been unable to conclusively establish their ownership of the premises.

5. She submits that the family Will on which reliance has been placed is incapable of conferring any title on the Respondent/landlord.

6. The second plank relates to availability of an alternative accommodation. Learned counsel for the Petitioner, in this regard, submits that there was ample alternate accommodation which was available and that the same was clearly delineated and enumerated in detail in the leave to defend.

7. It is submitted that despite the same, the learned ARC has ignored the various averments made in respect of alternative accommodations and rendered the Impugned Order.

8. The third plank relates to the issue of there being a lack of *bona fide* requirement.

9. Learned counsel for the Petitioner contends that there was in fact no *bona fide* requirement, since the eviction notice issued to the tenant stated that the premises were required since renovation were to be carried out whereas in the eviction Petition, the *bona fide* requirement urged was that Mr. Shivam Gaur, who has completed his LL. B. degree, required the premises for setting up his office.

10. **Per contra**, learned counsel for the Respondent submits that the



2026:DHC:5617



grounds of the challenge, as raised by the learned counsel for the Petitioner, have already been dealt with by the learned ARC in the Impugned Order. In this regard, learned counsel for the Respondent draws the attention of this Court to various paragraphs of the Impugned Order.

11. Learned counsel for the Respondent, in this regard, submits that the contours of revisional jurisdiction of this Court is limited and circumscribed, and therefore the challenge raised by the Petitioner, having been already raised before the learned ARC and dealt with in the Impugned Order, merely seeks re-appreciation of evidence and re-adjudication upon the merits.

ANALYSIS

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

13. 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.

14. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*², *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*³, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁴, 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

² (1998) 8 SCC 119

³ (2014) 9 SCC 78



appellate jurisdiction.

15. 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.**⁵, and **Sanjeev Hiranandani v. Sunny Grover**⁶.

16. 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.”

⁴ (2022) 6 SCC 30

⁵ 2024:DHC:9322

⁶ 2025:DHC:11285



2026:DHC:5617



17. 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.

18. Insofar as the challenge to the Respondent's title is concerned, the learned ARC has considered the nature and effect of the family Will relied upon by the Respondent and has returned a reasoned finding that the Respondent was competent to maintain the eviction proceedings. The relevant portion of the Impugned Order, in this regard, being Paragraph No. 10, reads as under:

“10. The nub of the issue in the entire leave to defend application is the allegation that petitioners have no dearth of alternate suitable accommodation nor is the requirement projected by them is bonafide. It is no longer *res integra* that the petitioner / landlord in eviction proceedings under Section 14(l)(e) DRC has merely to show that he is something more than a tenant. Thus, the existence of landlord tenant relationship, is to be ascertained by applying the well settled propositions that (i) for the purpose of establishing landlord-tenant relationship, the onus of proof on the landlord is not akin to a title suit; (ii) as long as it is established that a landlord has a better title than that of a tenant, a tenant cannot resist a plea of existence of a landlord tenant relationship. In the present case the existence of landlord and tenant relationship is not ambiguous rather there is clear admission that the tenanted premises is occupied by the respondents in the capacity of tenant of the petitioners. However, respondent has taken a plea that petitioner have not shown their absolute ownership title over the premises and that the family Will is incapable of conferring any title on them. The said objection of the respondent is unable to lead into a



2026:DHC:5617



triable issue as landlord is only required to show a better title over the property than a tenant. In this case respondent has nowhere claimed that he possesses a better title more than a tenant as against the petitioner who admittedly is the landlord and also has a family Will in his favour. Once the aforesaid requirement is met the argument of not producing previous chain of title loses its significance as dispute between landlord and tenant cannot be turned into a title dispute thereby defeating the entire purpose of a special legislation i.e., Delhi Rent Control Act. In view of the same therefore, this Court finds favor with the assertions of the petitioners on this count.”

19. Furthermore, with respect to the aspect of alternative accommodation being available and the present premises not really being required considering the availability of alternative accommodation, the learned ARC has examined each of the properties specifically relied upon by the Petitioner and assigned reasons for holding that the same could not be regarded as reasonably suitable alternate accommodation. The relevant portion of the said discussion by the learned ARC in the Impugned Order, reads as under:

“14. Furthermore, the respondent has also challenged the requirement of the petitioners on the points as enumerated in paragraph No. 5.2 to 5.7 above. Respondent has invoked multiple grounds however neither of them are found to be cogent enough to grant leave to defend to the respondent. The reduction of original size of tenanted premises from, 210 square feet to 105 square feet can in no shape or form indicate any kind of malafide, specifically when respondent did not register his objection when the said reduction in the premises was made. Furthermore, even the challenge to the veracity of the site plan of the petitioners appears weak in light of the fact that respondent has not filed a competing site plan to make his version believable. Furthermore, stating different reasons for eviction, in the legal notice and the present petition does not *ipso facto* lead to an irresistible conclusion that the motive of the petitioners is ill. More so, a landlord cannot be compelled by any court of law to pick and choose a particular premises to meet its needs in a particular manner, and accommodate his requirements according to the whims and fancies of the tenants. Additionally, most of the averments of the respondent are confined to the pleadings only and no efforts



2026:DHC:5617



whatsoever is seen to supplant those averments by way of any cogent material. The assertion pertaining to the "Shri Ram Ratan Joshi Memorial Greenfields Public School" is one such where except for pleadings nothing has been brought forward to make the purported "malafide" of the petitioner believable. Even the plea of pagri of Rs.1,00,000/- does not have any bearing on the present dispute as payment of pagri if any, does not put such tenant in a better position when compared to other tenants who may not have paid any pagri. If it were to be held that a tenant, in the application for leave to defend, merely by denying the averments in the petition for eviction or making vague pleas, without any basis and without disclosing the requisite particulars, or producing any material, is entitled to leave to defend, then the same would defeat the legislative intent in providing for summary procedure with respect to petitions for eviction on the ground of personal requirement of the landlord, as then in all cases leave to defend will have to be granted and the stage of leave to defend would merely serve the purpose of delaying the filing of the written statement by the tenant and the trial to follow, thereby making the procedure for eviction on the ground of requirement of self use longer than the procedure prescribed for adjudication of the petitions for eviction on other ground of eviction prescribed in the Act. Reliance is placed on *Kailash Kumari & Anr. v. Shakuntala*, RC REV. 6/2017 date of decision 02.02.2018.

15.Considering the same, it is held that the petitioners have successfully shown *bonafide* requirement of the tenanted premises for Sh. Shivam Gaur to establish a law office, and there is nothing on the record to suggest otherwise.

16.With regards the requirement of there being alternative accommodation being available with the petitioners, it is to be noted that it has been repeatedly held that the Courts are not to sit in the armchair of the landlord and dictate as to how the available property of the landlord is to be best utilised by him. The landlord is the absolute owner of his property and the best person to decide which property is to be utilised in what way is the landlord himself. In addition, the respondent also cannot dictate as to how the landlord is to utilise his property. The landlord possesses the prerogative to determine their specific requirements, exercising full autonomy in this regard. It is not within the purview of the courts to impose directives on the landlord regarding the nature or quality of their chosen usage of the tenanted premises. Essentially, the courts should refrain from prescribing any standard or guidelines for the landlord's residential choices. In "**Ragavendra Kumar v. Prem Machinery & Co.**" [(2000) 1 SCC 679] the **Hon'ble Supreme Court** was of the view that:

10.. *It is true that the plaintiff landlord in his evidence stated that there were a number of other shops and houses*



belonging to him but he made a categorical statement that his said houses and shops were not vacant and that the suit premises is suitable for his business purpose. It is a 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. (see Prativa Devi v. T.V. Krishnan [1996] 5 SCC 353.) In the case in hand the plaintiff landlord wanted eviction of the tenant from the suit premises for starting his business as it was suitable and it cannot be faulted."

17. The respondent has stated that petitioners are not short of suitable alternate accommodation, and therefore, respondent has been targeted needlessly. It is emphasized by the respondent that petitioners have several shops in the vicinity including one temple. That the petitioners have also sold two shops in the same markets in the year 2018. It is seen that both the aforesaid averments are toothless without anything supporting it. Respondent has not explained where said shops are located and how they are more suitable to meet the requirements of the petitioners. He has not even explained how a temple can be classified as a "suitable" alternate accommodation to meet commercial needs. Needless to say, once again respondent has not filed any details even to identify said alternate accommodation. Even the plea, selling of two shops in the year 2018 is found to be weak without any material particulars to support the same. More attending details were required to be furnished by the respondent with regards the same which have not been furnished.

18. Similarly, respondent claimed that adjoining shops let out to Vinod Goyal and Subodh Goyal could have been utilized by the petitioners to meet their needs being larger in size. It is seen that respondent has not explained how the "larger shops" are otherwise suitable to the need of the petitioners, as respondent has not explained the area and exact location of the aforesaid rented out shops. Respondent has filed certain photographs, however, they are inconclusive in determining or supporting the assertion of the respondent. It has been held in catena of judgments that a court must not interfere in the discretion of landlord to choose one of the properties owned by him to meet his requirement, as he is the best person to adjudge and assess his needs. It has been laid down in *Ragvendra Kumar (supra)*, that a landlord cannot be faulted or exposed to a trial merely because he chooses one property of his over another to invoke Delhi Rent Control Act. Accordingly, it is held that existence of other rented premises cannot be a reason to grant leave to defend to the respondent tenant if the rented premises is otherwise found more suited to the needs and requirement of the petitioner landlord.

19. Taking into account the entire conspectus of circumstances as



2026:DHC:5617



discussed above therefore, this Court is of the view that the petitioners landlord have successfully shown that the tenanted premises is best suitable accommodation for Sh. Shivam Gaur to establish his law office and that they are the landlord of the same. Accordingly, application seeking leave to defend is dismissed and eviction order with regard to property i.e. Private Shop No.5, at 529, Main Yaumuna Vihar Road, Adarsh Mohalla, Maujpur, Delhi-110053 is passed in favor of the petitioners and against the respondent.”

20. Further, the issue relating to the reasons contained in the eviction notice being different from that pressed in the eviction Petition has been dealt with, in the Impugned Order, in the following manner:

“13. In the present case as well, once the landlord has stated that he requires the tenanted premises for a particular use, the Court is required to believe the statement to be true and genuine, unless and until it is shown by the tenant through cogent material that the requirement is fanciful or whimsical. The only need asserted by the petitioners is that of Sh. Shivam Gaur to establish his own law office, being a law graduate. To negate such requirement, respondent has simply stated that the requirement of Sh. Shivam Gaur was not conveyed in the notice dated 01.07.2024, and that itself is sufficient to prove that the petition is only filed to oust the respondent illegally. This particular objection is not found to be compelling in light of the fact that the requirement of the landlord is not necessarily required to adhere to a time line, and it can arise at any point of time due to a number of reasons. Furthermore, the enrollment of Sh. Shivam Gaur in Bar Council of Delhi remains unopposed. Furthermore, need to establish chambers or law office of an advocate is inhere and it cannot be faulted only on the grounds of time it arose. Furthermore, law itself has protected rights of a tenant against an artificial need by incorporating Section 19 of Delhi Rent Control Act, wherein right to re-entry has been given to tenant against false requirements. Therefore, simply stating that need of a law chamber was not mentioned in the notice dated 01.07.2024, cannot be accepted to be of such force that can be viewed as a triable issue.”



2026:DHC:5617



21. This Court is of the considered opinion the reasons recorded in the Impugned Order demonstrate due application of mind to the Petitioner's contentions, and this Court is unable to discern any omission to consider any material plea or circumstance which would warrant interference in the exercise of its limited scope of revisional jurisdiction.

22. This Court is further of the considered view that all the aspects sought to be argued herein have already been considered in the impugned judgment and what is being sought is only reiteration of the said aspects in the present Petition, which is also beyond the limited ambit of revisional jurisdiction of this Court.

23. In view of the foregoing discussion, this Court finds no merit in the present Revision Petition, and is accordingly, dismissed.

24. The present Petition, along with the pending Application(s), if any, is disposed of in aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J
JULY 14, 2026/v/dj/m