



2026:DHC:9416



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

Date of decision: 14.10.2026

CNR No. DLHC010062822024

+ RC.REV. 48/2024, CM APPL. 8818/2024 (Stay) & CM APPL. 49869/2026 (Permission to open and use of the tenanted premises)

MOHD YAKUB THROUGH LEGAL HEIRS MOHD HAROON & ORS. Petitioners

Through: Mr. Jai Sahai Endlaw, Mr. Manu Nayar, Mr. Gaurav Sindhwani, Mr. Nitin Kumar and Mr. Vaibhav Kush, Advocates.

versus

SH. NAWAL KISHORE DECESAED THROUGH LEGAL HEIR SMT SARITA & ORS. Respondents

Through: Mr. Ram Kishan Saini and Mrs. Neelam Saini, Advocates for R-2 and R-3.

6

CNR No. DLHC010014382026

+ RC.REV. 19/2026, CM APPL. 3691/2026 (Stay) & CM APPL. 3692/2026 (Ex.)

MOHD YAKUB SINCE DECEASED THROUGH LEGAL HEIRS MOHD HAROON & ORS. Petitioners

Through: Mr. Jai Sahai Endlaw, Mr. Manu Nayar, Mr. Gaurav Sindhwani, Mr. Nitin Kumar and Mr. Vaibhav Kush, Advocates.

versus

SH NAWAL KISHORE DECEASED THROUGH LRS SARITA & ORS. Respondents

Through: Mr. Ram Kishan Saini and Mrs.

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RC.REV. 48/2024 and connected matters

Page 1 of 9



2026:DHC:9416



Neelam Saini, Advocates for
R-2 and R-3.

7

CNR No. DLHC010014282026

+ RC.REV. 20/2026, CM APPL. 3693/2026 (Stay) & CM APPL.
3694/2026 (Ex.)

MOHD YAKUB SINCE DECEASED THROUGH LEGAL
HEIRS MOHD HAROON & ORS. Petitioners

Through: Mr. Jai Sahai Endlaw, Mr.
Manu Nayar, Mr. Gaurav
Sindhwani, Mr. Nitin Kumar
and Mr. Vaibhav Kush,
Advocates.

versus

NAWAL KISHORE DECEASED THROUGH SARITA &
ORS. Respondents

Through: Mr. Ram Kishan Saini and Mrs.
Neelam Saini, Advocates for
R-2 and R-3.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

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JUDGEMENT (Oral)**RC.REV. 48/2024**

1. The present Revision Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958**¹, seeks to assail the **Order dated 11.01.2021**² passed by the learned **SCJ-cum-RC, Central District, Tis Hazari Courts, Delhi**³ in the **Eviction Petition, being E-78979/2016**⁴, titled "*Sh. Nawal Kishore v. Mohd. Yakub through legal heirs*".

¹ DRC Act

² Impugned Order

³ learned RC

⁴ Eviction Petition

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17:07:01

RC.REV. 48/2024 and connected matters

Page 2 of 9



2026:DHC:9416



2. At the outset, learned counsel for the Petitioner confines his challenge to the limited question as to whether the Impugned Order can be sustained upon the demise of the original landlord, Sh. Nawal Kishore, in respect of whom the *bona fide* requirement had been pleaded, particularly when the requirement so asserted is stated to have been extinguished upon his demise and no subsisting requirement of the **legal representatives**⁵ has been pleaded or established.

3. Learned counsel for the Petitioner submits that the eviction proceedings were instituted on the basis of the personal *bona fide* requirement of the original landlord. It is contended that the very foundation on which the Impugned Order came to be passed has ceased to exist with the demise of the original landlord.

4. He submits that, in the absence of any independent or surviving requirement being asserted on behalf of the legal representatives, the Impugned Order cannot be sustained merely because the proceedings had culminated in an order of eviction during the lifetime of the original landlord.

5. In support of the aforesaid submission, learned counsel places reliance upon the Judgment of the Hon'ble Supreme Court in ***Sheshambal (Dead) through LRs v. Chelur Corporation Chelur Building and Ors***⁶, particularly paragraph nos. 17 and 18 thereof.

6. It is submitted that the aforesaid decision recognises the significance of the demise of the landlord where the eviction proceedings are founded upon his personal requirement, and that the continuation of the proceedings by the LRs cannot, by itself, establish

⁵ LRs

⁶ MANU/SC/0115/2010



2026:DHC:9416



the continued existence of the requirement which formed the basis of the eviction petition.

7. Learned counsel for the Petitioner further relies upon the Judgments of this Court in ***Bipin Jain v. Abhey Kumar Jain***⁷ and ***Gurinder Singh v. Jasjit Kaur***⁸ to contend that the effect of the landlord's demise must be examined with reference to the nature of the requirement originally pleaded and whether such requirement survives in the facts of the case.

8. **Per contra**, learned counsel appearing on behalf of Respondent Nos. 2 and 3 submits that the demise of the original landlord does not, by itself, extinguish the *bona fide* requirement forming the basis of the eviction proceedings. In support of this contention, reliance is placed upon the Judgment of the Hon'ble Supreme Court in ***Kamleshwar Prasad v. Pradumanju Agarwal (Dead) by LRs***⁹, and the Order dated 03.09.2025 passed in Civil Appeal No. 11354 of 2026, arising out of SLP (C) No. 5010 of 2025, in ***Lakshmi Devi Sharma and Anr. v. Pankaj Kumar Ahuja and Anr.***

9. Learned counsel further relies upon the Judgment of the Coordinate Bench of this Court in ***Mohd. Burhan & Ors. v. Shri Triloki Nath (Since Deceased) Through LRs & Ors.***¹⁰, particularly paragraph nos. 31 and 32 thereof, and submits that the Impugned Order does not warrant interference in the exercise of the limited revisional jurisdiction of this Court.

10. In **Rejoinder**, learned counsel appearing on behalf of the Petitioners submits that the Judgment in ***Mohd. Burhan*** (supra) has

⁷ MANU/DE/1526/2015

⁸ MANU/DE/3975/2019

⁹ (1997) 4 SCC 413

¹⁰ 2026:DHC:24



2026:DHC:9416



been challenged before the Hon'ble Supreme Court by way of Special Leave Petition (C) No. 5285/2026 and *vide* Order dated 12.02.2026 the operation of the said judgment has been stayed. He further submits that the Judgment in ***Kamleshwar Prasad*** (supra) was considered in the subsequent Judgment of the Hon'ble Supreme Court in ***Sheshambal*** (supra), wherein the consequences of the demise of the original landlord upon the subsistence of the *bona fide* requirement were specifically considered.

11. Learned counsel submits that, in the present case, the original landlord had passed away and the *bona fide* requirement pleaded in the Eviction Petition was for his own benefit.

12. Learned counsel also draws the attention of this Court to the application filed by the Respondents under Order I Rule 10 of the Code of Civil Procedure, 1908, and submits that the circumstances surrounding the said application further demonstrate the absence of any surviving requirement on the part of the LRs. It is, therefore, urged that the Impugned Order cannot be permitted to survive when the requirement forming its foundation has ceased to exist.

13. This Court has heard learned counsel appearing on behalf of the parties and, with their able assistance, perused the material available on record, including the Impugned Order.

14. The controversy, as raised by the Petitioner, requires this Court to examine the effect of the demise of the original landlord upon the sustainability of an Impugned Order founded upon his *bona fide* requirement. The issue is not answered merely by noticing that the original landlord has passed away. Similarly, the fact that an eviction order was passed during his lifetime cannot, by itself, render the subsequent event irrelevant to the adjudication of the present revision

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17:07:01

RC.REV. 48/2024 and connected matters

Page 5 of 9



2026:DHC:9416



Petition. The question must be examined with reference to the nature of the requirement originally pleaded, the stage at which the subsequent event has occurred, and the legal consequences flowing therefrom.

15. At the outset, it is necessary to appreciate that a claim founded upon *bona fide* requirement is not divorced from the person and the circumstances in which the requirement is asserted. The genuineness of the requirement is examined with reference to the need pleaded by the landlord and the purpose for which possession of the tenanted premises is sought.

16. In this regard, the Judgment of the Hon'ble Supreme Court in ***Sheshambal*** (supra) assumes significance. In the said decision, the eviction proceedings were founded upon the personal requirement of the original landlords, and no requirement of any dependent family member had been pleaded. The Hon'ble Supreme Court held that, in those circumstances, the demise of the landlords extinguished the right to seek eviction on the basis of the personal requirement asserted by them. The principle emerging therefrom is that the continuation of proceedings by LR's cannot, in itself, preserve a requirement which was personal to the deceased landlord and which no longer subsists.

17. The aforesaid principle, however, does not imply that the demise of a landlord invariably brings eviction proceedings founded upon *bona fide* requirement to an end. In ***Kamleshwar Prasad*** (supra), the Hon'ble Supreme Court declined to treat the landlord's demise as extinguishing the requirement, *inter alia*, because the premises had been sought for commencing a business which could be carried on by his widow or elder son. The Court also emphasised the relevance of the date of institution of the eviction petition in assessing the

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RC.REV. 48/2024 and connected matters

Page 6 of 9



2026:DHC:9416



requirement. The decision, therefore, does not dispense with an examination of the nature of the requirement in the case at hand; rather, it illustrates that a requirement may survive where its underlying purpose is capable of being carried forward by the LR's.

18. The reliance placed by the Respondents upon the Order in **Lakshmi Devi Sharma and Anr.** (supra) must likewise be considered in the context of the issue arising herein. The general proposition that the demise of a landlord does not, by itself, extinguish a claim founded upon *bona fide* requirement does not resolve the present controversy. The material question remains whether the requirement forming the basis of the Impugned Order was confined to the personal need of the original landlord or was otherwise capable of surviving his demise.

19. The Respondents have also relied upon the judgment of the Coordinate Bench of this Court in **Mohd. Burhan** (supra). The Petitioners submit that the operation of the said judgment has been stayed by the Hon'ble Supreme Court in proceedings arising therefrom. This Court need not rest its determination upon the effect of the said stay, as the controversy can be examined in the light of the principles emerging from the Judgments of the Hon'ble Supreme Court discussed hereinabove and their application to the facts of the present case.

20. In the present case, the Eviction Petition was instituted on the basis of the *bona fide* requirement of Sh. Nawal Kishore, and the Impugned Order was passed upon that foundation. The Petitioners contend that the requirement was personal to the original landlord and that no independent or surviving requirement of the LR's has been pleaded or established. The Respondents, on the other hand, rely upon

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Signing Date: 21/10/2026
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RC.REV. 48/2024 and connected matters

Page 7 of 9



2026:DHC:9416



the continuation of the proceedings and contend that the demise of the original landlord does not, by itself, defeat the eviction order.

21. The distinction between the right of LR's to continue the proceedings and the existence of a requirement capable of sustaining eviction is material. The former is procedural; it does not, without more, establish the latter. Accordingly, the fact that the Impugned Order was passed during the lifetime of the original landlord cannot, by itself, conclude the question arising from his subsequent demise. The Court must examine whether the requirement accepted by the learned RC was personal to him or whether the record discloses a requirement capable of continuing notwithstanding his demise.

22. The Petitioners have also relied upon the application filed by the Respondents under Order I Rule 10 of the CPC, as a circumstance bearing upon the existence of any surviving requirement. The said application cannot, in isolation, determine the controversy. Its significance, if any, must be assessed alongside the nature of the original requirement and the other material on record.

23. In the facts of the present case, the requirement forming the basis of the Impugned Order was that of the original landlord. The record does not disclose any independent or surviving requirement capable of sustaining the eviction order notwithstanding his demise. The case is, therefore, distinguishable from **Kamleshwar Prasad** (supra), where the purpose for which possession was sought was capable of being pursued by the landlord's LR's. The principle in **Sheshambal** (supra), on the other hand, directly addresses the consequence of the cessation of a personal requirement upon the demise of the person for whose benefit eviction was sought.

24. In these circumstances, the Impugned Order cannot be sustained

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Signing Date: 21/10/2026
17:07:01

RC.REV. 48/2024 and connected matters

Page 8 of 9



merely on the basis of the personal requirement which existed during the lifetime of the original landlord. The challenge, to this limited extent, merits acceptance.

25. Accordingly, the Impugned Order, passed by the learned RC in Eviction Petition No. E-78979/2016, is set aside and the present Petition, RC.REV. 48/2024, is allowed.

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

RC.REV. 19/2026 and RC.REV. 20/2026

27. In view of the Judgment passed in RC.REV. 48/2024, learned counsel appearing on behalf of the Petitioners, on instructions, submits that the Petitioners do not wish to press the present Petitions, being RC.REV. 19/2026 and RC.REV. 20/2026, and seek leave of this Court to withdraw the same.

28. Leave, as prayed for, is granted.

29. Accordingly, RC.REV. 19/2026 and RC.REV. 20/2026, along with pending Application(s), stand dismissed as withdrawn.

30. A photocopy of this Order be placed in the connected matters.

HARISH VAIDYANATHAN SHANKAR, J.
OCTOBER 14, 2026/tk/jk