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

Date of decision: 20.11.2026

\# **CNR No. DLHC010552882026**

\+ RC.REV. 432/2026, CM APPL. 79600/2026 (Stay order dt. 07.04.2026) & CM APPL. 79601/2026 (Ex.)

RAJENDER SINGH .....Petitioner

Through: Mr. Mitthan Lal, Advocate with Petitioner in person

versus

OMWATI .....Respondent

Through: None

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% **JUDGEMENT (Oral)**

1. The present Petition has been instituted under the *proviso* to Section 25-B(8) of the **Delhi Rent Control Act, 1958**[1] read with Article 227 of the Constitution of India, assailing the **Order dated 07.04.2026**[2] passed by the **learned Senior Civil Judge-cum-Rent Controller, East District, Karkardooma Courts, Delhi**[3] in **RC ARC No. 136/2022**[4], whereby the Eviction Order came to be passed against the Petitioner.

2. Learned counsel for the Petitioner submits that the learned Rent Controller has failed to properly appreciate the plea of availability of alternate suitable accommodation, as specifically raised by the

[1] DRC Act
[2] Impugned Order
[3] leanred RC
[4] Eviction Proceedings

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Petitioner in his application seeking leave to defend. It is contended that the Respondent, along with her family members, is already in possession of property bearing No. P-52, Gali No. 4, Shankar Nagar Extension, Delhi, and that the said accommodation, though comprising three rooms, is available for her residential use. It is further submitted that property bearing No. 4525, which is the subject matter of the Eviction Proceedings, comprises a ground floor as well as a first floor, and the first floor thereof is admittedly lying vacant. Learned counsel contends that the availability of such accommodation was a material circumstance which required due consideration while examining the bona fide requirement projected by the Respondent. On this basis, it is urged that the finding returned by the learned Rent Controller on the aspect of alternate suitable accommodation suffers from material infirmity and warrants interference by this Court in exercise of its revisional jurisdiction.

3. No other submissions were advanced by the learned counsel for the Petitioner.

ANALYSIS:

4. This Court has heard learned Counsel appearing on behalf of the Petitioner, and, with his able assistance, perused the relevant documents as also the Impugned Order.

5. 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.

6. The contours of the aforesaid jurisdiction are well settled. The Hon'ble **Supreme** Court, in ***Sarla Ahuja v. United India Insurance***

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Co. Ltd.[5], ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***[6], and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***[7], has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

7. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in ***Pankaj Pahwa v. Prem Wati & Ors.***[8], and ***Sanjeev Hiranandani v. Sunny Grover***[9].

8. 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

[5] (1998) 8 SCC 119
[6] (2014) 9 SCC 78
[7] (2022) 6 SCC 30
[8] 2024:DHC:9322
[9] 2025:DHC:11285

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> 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. 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.

10. 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

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jurisdiction may be warranted.

11. 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.

12. In this backdrop, it would be apposite for this Court to extract the relevant portion of the Impugned Order, which reads as under:

> "**16)** The fact that the petitioner is a widow lady and that she has three sons, namely, Sh. Manoj Tyagi, Sh. Vinod Tyagi and Sh. Sudhir Tyagi and that all of them are married and that they have young children and further, the fact that all of them are residing together in the property no.P-52 is not disputed by the respondent. It is the case of the petitioner that the present accommodation in property no.P-52 is not sufficient for the petitioner and her aforesaid family members, since the same comprises only of three rooms. This court is of the view that in such circumstances it is for the petitioner to chose the place of her residence where she thinks she can reside comfortably with her family members and it is not open for the respondent to dictate the petitioner as to how and where she should continue to lead her life. In this regard, it has been held that in the case of **Mohd. Usman Vs. Siraj Ahmed, 2009(2) Rent LR 332** that :-
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> (i) It is for the landlord to decide where he wants to live.
> (ii) Landlord is the best judge of his residential requirement and the place where he has to live.
> (iii) It is not open for the Court or the tenant to dictate in what manner he should live, where he should live nor Court can impose its own standards on the landlord.
> (iv) If a landlord wants to live in his own house in old Delhi which technically falls under slum, neither the tenant nor the Court can dictate terms to him that he was a well off person, an officer in the bank or a teacher and that old Delhi was not fit for his residence.
> (v) Even the requirement of the landlord to have his premises vacated or his frequent visits to Delhi and for temporary stay in his own premises has to be viewed as a bonafide requirement.
> (vi) It is not necessary that a landlord should keep on writing futile letters to the tenant asking him to vacate.
> (vii) The observation of the Court that the landlord had sold his flat in Bombay but has not given the name of seller and has not disclosed the consideration, had nothing to do with the bonafide requirement of the landlord;
>
> **17)** Thus, it is for the landlord to decide as to where he wants to

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reside so that he can live his life comfortably in the manner he wants and the tenant has no locus to dictate to the landlord to continue to reside in a property which is not suitable to him merely because the same would cause some inconvenience to the tenant. In the present petition, considering the number of family members of the petitioner, it cannot be expected from them to adjust themselves in an accommodation comprising of only three rooms at the expense of not causing any inconvenience to the respondent, who was not even paying rent qua the tenanted premises and who started paying rent only after the petitioner approached the court under Section 14(1)(a) of the DRC Act. The fact that the family of the petitioner consists of young growing children who would require separate rooms cannot be lost sight of. Moreover, even the respondent has not disputed this need of the petitioner. Petitioner/PW1 has categorically deposed in her cross-examination that her family members reside on the ground floor as well as first floor of property no.P-52 and any one of her sons comes to reside on the ground floor to take care of her. Thus, evidently, there is no separate designated room for the three sons as well as grandchildren of the petitioner and now if she wants to shift to the property no.4525 in order to provide better accommodation to her family members, then the tenant has no right to object to the same. Thus, this court is of the view that the petitioner has duly explained as to how the property no.P-52 is not suitable for her residential needs and that she is in bonafide requirement of the tenanted premises so as to shift herself/shift her two sons and their families in the ground floor of property no.4525.

18) Admittedly, the property no.4525 consists of ground floor and first floor. Petitioner/PW1 has duly deposed in her cross examination that first floor of the said property is lying vacant, however, it is her case that she needs the ground floor of this property for her projected need. Further, it is stated by the petitioner in the petition itself that apart from the respondent, there were two other tenants on the ground floor of the aforesaid property i.e. Smt. Pushpa Devi and Smt. Munni Devi against whom also she had filed eviction petition on the ground of her bonafide requirement. Thus, the petitioner has clearly indicated that she wants to use the ground floor of property no.4525 for her residential needs and for which she has already taken steps. Furthermore, as deposed by PW2 Sh. Sudhir Tyagi, both the aforesaid tenants have already vacated their respective rooms and the same are lying vacant. As such, it is not the case that the petitioner only wants to evict the respondent from the tenanted premises so as to say that she wants to re-let the same on a higher rate of rent. Even otherwise, if the petitioner does not use the tenanted premises for her projected need, then the respondent is always at the liberty to re-enter the tenanted premises after availing

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the remedy under Section 19 of the DRC Act.

19) Further, apart from property no.P-52, Gali no.4, Shankar Nagar Extn., Delhi, the respondent has not disclosed the details of any other property which is owned by the petitioner or her children so as to say that she or her children have any other alternate accommodation available with them which can be used by them for the projected need. Thus, this court is of the view that the petitioner has duly proved her bonafide requirement qua the tenanted premises as well as the fact that she does not have any other alternate accommodation available with her.

20) Coming to the averment that the property no.4525 including the tenanted premises is in a dilapidated condition and the petitioner requires its possession for its reconstruction. In this regard, petitioner has examined PW3 Sh. Anil Kumar Sharma (Civil draftsman) who had led into evidence his inspection report Ex.PW3/2 alongwith photographs Ex.PW3/1 (Colly). As per the said report, PW3 alongwith son of the petitioner, namely Sh. Manoj Tyagi had visited the property no.4525 on 30.11.2022. Further, PW3 had inspected the aforesaid property and had found that the said building is very weak and is not in a condition to bear the load of the building. It is further observed in the said report that the property is not in a condition to repair and the only way is to demolish the same at the earliest. It is further specifically observed that the walls, floor and roof of the said building has swelling and cracks, that the flooring is badly damaged, wall gap is appearing in walls and seepage is there on all the floors. Thus, the entire building is in dilapidated and damaged condition. Pertinently, this witness was not cross-examined by the respondent and the opportunity of the respondent to cross-examine the said witness was closed by the court vide order dated 07.08.2025. Thus, the report Ex.PW3/2 and the photographs Ex.PW3/1 (colly) led into evidence by PW3 remain unrebutted and therefore, this court does not have any reason to disbelieve the same. Moreover, respondent/RW1 has admitted in his cross-examination that his rooms are approximately two feet below the road level meaning thereby that the ground floor of the property no.4525 is approximately two feet below the road level because of being in a dilapidated condition. Further, respondent/RW1 has also admitted that the toilet constructed on the first floor of property no.4525 is in a dilapidated condition and that is why the same is not usable. Even during the cross-examination of petitioner/PW1, Ld. Counsel for the respondent has put forth suggestion to her that it is correct that the property no.4525 is not in a habitable condition. Thus, from the above it is evident that there is a clear admission on the part of the respondent that the property no.4525 is in a dilapidated condition. Further, the respondent has not led into evidence any counter photographs or report of any building expert nor he has examined

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any witness from the MCD/any competent authority so as to prove that the property no.4525 is in a good condition. Thus, from the above, this court is of the view that the petitioner has duly proved that the property no.4525 (whereas the tenanted premises is part and parcel) is in a dilapidated condition and thus, it requires re-construction.

21) Hence, in view of the aforesaid discussion, this court is of the view that the petitioner has duly proved her case that she bonafide requires the tenanted premises, therefore, the respondent is liable to be evicted therefrom. Accordingly, the present petition is allowed and eviction order is passed in favour of petitioner and against the respondent thereby directing the respondent to vacate the tenanted premises i.e. two rooms in property bearing no.4525, ground floor, gali no.5, Ajeet Nagar, Gandhi Nagar, Delhi-31 as shown in red colour in the site plan of the petitioner. However, as per Section 14 (7) DRC Act, the Petitioner shall not be entitled to obtain possession thereof before the expiry of a period of six months from the date of this order."

13. A perusal of the aforesaid findings of the learned Rent Controller demonstrates that the plea of availability of alternate suitable accommodation, as raised by the Petitioner, has not been overlooked or left unexamined. The learned Rent Controller has specifically considered the accommodation available with the Respondent at property bearing No. P-52, Gali No. 4, Shankar Nagar Extension, Delhi, and has taken note of the undisputed position that the Respondent, being a widow, resides with her three married sons and their respective families. The fact that the said property comprises only three rooms has also been duly considered. The learned Rent Controller has, on an appreciation of the aforesaid circumstances, concluded that the existing accommodation cannot be regarded as sufficient for the residential requirements of the Respondent and her family members.

14. The said finding is not founded merely upon the number of family members, but also takes into account the evidence of PW1 that

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the family members reside on both the ground floor and first floor of the said property and that there is no separately designated accommodation for the sons and their growing children. In these circumstances, the mere fact that the Respondent is residing in property No. P-52 cannot, by itself, lead to the conclusion that suitable alternate accommodation is available with her.

15. As regards the contention that the first floor of property No. 4525 is lying vacant, the learned Rent Controller has expressly noticed the said circumstance and has also considered the Respondent's explanation that her projected requirement pertains to the ground floor of the property. It is further evident from the findings recorded in the Impugned Order that the Respondent had initiated eviction proceedings against the other two tenants occupying the ground floor of the same property, namely, Smt. Pushpa Devi and Smt. Munni Devi, on the ground of bona fide requirement, and that both had subsequently vacated their respective portions. The said circumstance lends support to the Respondent's case that the requirement projected is for the use of the ground floor of the property and is not confined to securing the eviction of the present Petitioner.

16. The learned Rent Controller has also considered the evidence of PW3, the inspection report and the photographs placed on record, as well as the admissions elicited from the Petitioner in his cross-examination, with respect to the dilapidated condition of the building. Significantly, the evidence of PW3 remained unrebutted, as the opportunity to cross-examine the said witness had been closed vide order dated 07.08.2025. Thus, the circumstance that the first floor is

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lying vacant cannot be viewed in isolation from the nature of the Respondent's projected requirement and the condition of the property as established through the evidence on record.

17. In view of the aforesaid, this Court finds that the learned Rent Controller has duly considered the plea of alternate suitable accommodation and has returned findings upon an appreciation of the material evidence available on record. The Petitioner has not been able to demonstrate that any material circumstance bearing upon the availability or suitability of alternate accommodation was ignored, or that the findings returned by the learned Rent Controller suffer from any manifest illegality or perversity.

18. The submissions advanced on behalf of the Petitioner, in essence, seek a fresh appreciation of the evidence and a substitution of the findings returned by the learned Rent Controller with a different view. Such an exercise would fall outside the limited scope of revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act.

19. Accordingly, this Court finds no jurisdictional error, material irregularity, perversity or manifest illegality in the Impugned Order warranting interference under the proviso to Section 25B(8) of the DRC Act. The present Petition is, therefore, dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J

NOVEMBER 20, 2026/rk/ma

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