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

Date of decision: 24.07.2026

+ RC.REV. 637/2019 & CM APPL. 79218/2025 (For permitting the respondent to file affidavit relating to subsequent development)

NARESH KUMARPetitioner
Through: Mr. Mayank Rustagi and Mr.
Hemant Dixit, Advocates.
versus

SHIV SHANKARRespondent
Through: Mr. N.D. Pancholi, Mr. Deepak
Mayur and Mr. Vishal
Pancholi, Advocates.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR

% **JUDGMENT (Oral)**

1. The present Revision Petition has been filed under Section 25-B (8) of the **Delhi Rent Control Act, 1958**¹, challenging the **Judgment dated 04.06.2019**² passed by the learned **SCJ-cum-RC (Central), Tis Hazari Courts, Delhi**³, in **Eviction Petition bearing No. E. 77988/2016**⁴.

2. Learned counsel appearing on behalf of the Petitioner submits that the learned RC has erred in granting leave to defend insofar as, while doing so, he has not considered the *bona fide* requirement evinced by the landlord, which was for the purpose of a store (storage

¹ DRC Act

² Impugned Judgment

³ learned RC

⁴ Eviction Petition



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space) for the shop that he was seeking to open in the connected premises.

3. He also submits that the discussion in the Impugned Judgment is generic in nature without in any manner adverting to the *bona fide* need that has been evinced by the Petitioner.

4. He further submits that the grant of leave to defend without taking into consideration the sole *bona fide* need and purely on generic grounds is liable to be set aside and interfered with by this Court.

5. **Per contra**, learned counsel appearing on behalf of the Respondent defends the Impugned judgment and submits that there is no *bona fide* in filing of the eviction petition. He submits that the petition itself came to be filed two and a half years after the filing of the eviction petition pertaining to the connected shop and he relies upon Paragraph 15 of the Impugned Judgment to support his contention.

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

7. 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.

8. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in **Sarla Ahuja v. United India Insurance Co. Ltd.**⁵, **Hindustan Petroleum Corporation Ltd. v. Dilbahar**

⁵ (1998) 8 SCC 119



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Singh⁶, 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.

9. 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.

10. 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

⁶ (2014) 9 SCC 78

⁷ (2022) 6 SCC 30

⁸ 2024:DHC:9322

⁹ 2025:DHC:11285



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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.”

11. 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.

12. 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 RC 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.



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13. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged on behalf of the Petitioner against the Impugned Order are required to be examined.

14. Since the grievance of the Petitioner is principally directed against the manner in which the learned RC has dealt with the plea of *bona fide* requirement while granting leave to defend, it would be apposite to extract the relevant findings recorded in the Impugned Judgment:

“13. Reverting back to the facts of the present case, I find that respondent has claimed that petitioner is in possession of second and third floor of property no. 117, Moti Bazar, which is lying vacant, Petitioner has refuted the same and has claimed that said portions are being used as godown for the use of business of M/s. Neeraj Sarees Centre. As such, there is no documentary proof in this regard, filed on record. Such rival contention cannot be decided based on rival affidavits. Same needs trial as the said portion amounts to or does not amount to for the purpose of bonafide need of petitioner. Similarly, portions in the property bearing no. 4255-56 and 4257 Gali Bharionwali, Jogiwada, Nai Sarak, Delhi, which respondent has claimed to be lying vacant and which petitioner has claimed to be used as godowns for the purpose of business of M/s. Ganeshilal Omprakash again are such claims, which cannot be decided without affording parties to lead their respective evidence. It becomes a trial issue, as to whether those properties amount or does not amount to, for the purpose of bonafide need of petitioner.

14. Further, respondent has claimed that petitioner has not filed relinquishment deed executed by his brother in his favour pertaining to property in question. Petitioner has not replied the same categorically in reply to the application for leave to defend. In the light of said factual matrix and in the light of rent receipts relied by petitioner, which indicate the landlord as M/s. Rakesh Kumar Naresh Kumar, it becomes a triable issue, as to how petitioner became the owner of premises in question.

15. Lastly, Respondent has claimed that present petition was filed by petitioner after 2½ years of filing of eviction petition pertaining to shop no.4 in property in question, As per respondent, petitioner had requirement of shop in question and shop no. 4, he should have filed it simultaneously. The fact that petitioner had filed this petition after a gap of 2½ years, indicated that it is an



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afterthought on the part of petitioner. In response to the same, petitioner simply denied it. Fact of the matter remains that, this petition was filed immediately after filing of eviction petition pertaining to shop no. 4. So, bonafide need of petitioner is under the scanner and it has to be appreciated, as to whether petitioner has a bonafide need or has a mere desire.

16. Coupled with the same, bills relied by respondent for claiming that petitioner is running the business of retail sarees independently, can only be appreciated during trial.

17. So, aforesaid triable issues are raised by respondent. The said issues were of such nature that in case, they are allowed, then it will lead to dismissal of present eviction petition. Accordingly, application for leave to defend stands allowed.”

15. Examined in the light of the aforesaid findings, this Court finds that the eviction petition was founded on a specific plea that the tenanted premises were *bona fide* required for use as a store space ancillary to the commercial premises from where the Petitioner intended to carry on business. The said requirement constituted the very foundation of the eviction petition.

16. Once such a specific requirement had been pleaded, it was incumbent upon the learned RC, while considering the application seeking leave to defend, to examine whether the objections raised by the Respondent disclosed any triable issue with respect to the said pleaded requirement.

17. A careful reading of the Impugned Judgment, however, indicates that the learned RC has principally adverted to the alleged availability of alternative accommodation, the Petitioner's ownership of the premises and the timing of the institution of the eviction petition. The Impugned Judgment, however, does not disclose any consideration of the specific plea that the tenanted premises were required to serve as a storage space for the adjoining shop.



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18. The omission to advert to the principal ground on which the eviction petition itself was founded renders the decision-making process incomplete, erroneous and would constitute an error apparent on the face of the record and is also perverse.

19. Consequently, this Court is satisfied that the Impugned Judgment suffers from material irregularity in the decision-making process, warranting interference in exercise of the limited revisional jurisdiction under the proviso to Section 25B(8) of the DRC Act.

20. In view of the foregoing discussion, the Impugned Judgment is set aside, and the matter is remanded to the learned RC for fresh consideration in accordance with law.

21. The parties shall appear before the learned RC on 03.08.2026.

22. It is clarified that this Court has not expressed any opinion on the merits of the rival contentions and all questions are left open to be decided by the learned RC.

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

HARISH VAIDYANATHAN SHANKAR, J.

JULY 24, 2026/tk/jk