



2026:DHC:8320



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of decision: 25.09.2026**# **CNR No. DLHC010462882026**

+ RC.REV. 366/2026, CM APPL. 66640/2026 (Ex. From filing certified copies of annexures), CM APPL. 66641/2026 (Stay) & CM APPL. 66715/2026 (Addl.Doc)

SHRI SURESH YADAV

.....Petitioner

Through: Mr. Shiv Charan Garg and Ms.
Jahanvi Garg, Advocates.

versus

SMT USHA GUPTA

.....Respondent

Through:

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

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JUDGEMENT (Oral)

1. The present Revision Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, seeks to assails the **Judgment dated 09.03.2026²** passed by the learned **ARC-01, Central District, Tis Hazari Courts, Delhi³**, in **Eviction Petition, being RC ARC 77662/2016⁴**, titled "*Smt. Usha Gupta v. Shri Suresh Yadav*".

2. By way of the Impugned Judgment, the learned ARC, upon conclusion of the trial, passed an Eviction Order in favour of the Respondent, in respect of **one room situated on the ground floor of**

¹ DRC Act

² Impugned Judgement

³ ARC

⁴ Eviction Petition

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property bearing No. 71-D, Kamla Nagar, Delhi-110007⁵.

SUBMISSIONS ON BEHALF OF THE PETITIONER:

3. Learned counsel appearing on behalf of the Petitioner confines the challenge to the Impugned Judgment to the following four grounds, articulated in the ensuing paragraphs.

4. *First*, it is submitted that the Eviction Petition itself was not maintainable as the Respondent had sought to split the tenancy. According to learned counsel, the original tenancy comprised two rooms, whereas the Eviction Petition came to be instituted only in respect of one of the said rooms. It is, therefore, contended that the Eviction Petition was not maintainable in respect of a part of the tenanted premises. To buttress this contention, learned counsel for the Petitioner seeks to place reliance upon the decision of the Hon'ble Supreme Court in in ***Habibunnisa Begum v. G. Doraikannu Chettiar (Dead) by LRs. & Ors.***⁶.

5. *Second*, learned counsel submits that the Respondent had, during the pendency of the proceedings, obtained possession of another room situated on the ground floor of the very same property. It is contended that the purpose for which the Subject Premises was sought by the Respondent consequently stood substantially fulfilled, and that the learned ARC failed to appreciate the effect of the aforesaid subsequent event while passing the Impugned Judgment. In this regard, learned counsel appearing on behalf of the Petitioner seeks to place reliance upon the Judgment of the Hon'ble Supreme Court in ***Amarjit Singh v. Smt. Khatoon Quamarain***⁷.

⁵ Subject Premises

⁶ (2000) 1SCC 74,

⁷ (1986) 4 SCC 736



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6. *Third*, learned counsel submits that the *bona fide* requirement pleaded by the Respondent was for commercial purposes and that such requirement, in the facts of the present case, was impermissible and could not have furnished a valid basis for passing the Impugned Judgment.

7. *Lastly*, learned counsel for the Petitioner submits that the site plan relied upon by the Respondent does not correctly depict the Subject Premises and the surrounding portions of the property. It is, therefore, contended that the Impugned Judgment, having been rendered on the basis of an incorrect site plan, cannot be sustained.

8. No other submissions were advanced by the learned counsel appearing on behalf of the Petitioner.

ANALYSIS:

9. This Court has heard learned counsel for the Petitioner and, with his able assistance, perused the relevant documents and material placed on record, including the Impugned Judgment.

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 25-B(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.***⁸, ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***⁹, and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***¹⁰, has consistently held that the jurisdiction exercised by the High Court

⁸ (1998) 8 SCC 119

⁹ (2014) 9 SCC 78

¹⁰ (2022) 6 SCC 30



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under the *proviso* to Section 25-B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

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.**¹¹, and **Sanjeev Hiranandani v. Sunny Grover**¹².

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

¹¹ 2024:DHC:9322

¹² 2025:DHC:11285



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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, 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 Judgment 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 Judgment are required to be

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examined.

17. The first ground urged by learned counsel for the Petitioner relates to the alleged splitting of the tenancy. At the outset, it is fairly submitted that this objection was not raised before the learned ARC. The said contention, involving an examination of the nature and extent of the tenancy as well as the relationship between the parties, is essentially a mixed question of fact and law. In the absence of the said issue having been raised before the learned ARC and the requisite factual foundation having been laid before the learned ARC, this Court would ordinarily not permit the same to be urged for the first time in revision.

18. Be that as it may, this Court has also perused the Written Statement filed by the Petitioner before the learned ARC, and in particular, Paragraph 18(a)(ii) thereof, which reads as under:

“**18(a)(ii)** That in reply to the contents of para 18 (a) (ii) of the petition, the tenanted portion i.e. one small room on the ground floor is not denied, however, the second room with the respondent under the landlordship of Smt. Shashi Gupta and Sh. Sidharth Gupta, who are no more owner of the property as they have sold to third person.”

19. A perusal of the aforesaid pleading itself makes it apparent that the Petitioner had admitted that the landlord-tenant relationship between the parties extended only to the subject room on the ground floor, whereas the other room was stated to be under the ownership/landlordship of another person. The very factual premise on which the present objection of splitting of tenancy is founded is, therefore, not borne out from the Petitioner's own pleadings. Consequently, the challenge to the maintainability of the Eviction Petition on the ground of alleged splitting of tenancy is without merit.

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20. Learned counsel appearing for the Petitioner, in this regard, has placed reliance upon the Judgment of the Hon'ble Supreme Court in ***Habibunnisa Begum (supra)*** to contend that where the tenancy is founded upon a single and indivisible contract, the same cannot be severed so as to direct partial ejectment of the tenant from a part of the demised premises. The relevant observations of the Hon'ble Supreme Court read as under:

“2. The only question that arises in this case is as to whether it was open to the High Court to split the single tenancy by ordering partial ejectment of the tenant from the premises let out to him. In *S. Sanyal v. Gian Chand* [AIR 1968 SC 438 : (1968) 1 SCR 536] it was held that where a contract of tenancy was a single indivisible contract and in the absence of any statutory provision to that effect, it is not open to the court to split the tenancy. Law, therefore, is that where there is a single indivisible contract of tenancy, it cannot be split by a court unless there is a statutory provision to that effect. In the present case it is not disputed that the contract of tenancy is a single indivisible contract for Doors Nos. 27 and 28. It is also not disputed that there is no provision in the Tamil Nadu Buildings (Lease and Rent Control) Act empowering the court to order partial ejectment of a tenant from the premises by splitting the single indivisible tenancy. For these reasons it was not open to the High Court to split the tenancy and order for partial ejectment of the tenant from the premises.”

21. The aforesaid Judgment, however, proceeds on the specific premise that the tenancy in question was a single and indivisible contract covering the entire premises. The ratio, therefore, would apply only where the portion from which eviction is sought forms part of such an indivisible tenancy. In the present case, the Respondents have failed to demonstrate any such indivisibility of the tenancy so as to attract the aforesaid principle.

22. The mere fact that the premises may form part of a larger property cannot, by itself, establish that the tenancy was indivisible. What is material is the nature and extent of the tenancy created



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between the parties. In the absence of any material establishing that the entire area sought to be treated as one tenancy was demised under a single, indivisible contract, ***Habibunnisa Begum*** (*supra*) would have no application.

23. Consequently, the reliance placed upon ***Habibunnisa Begum*** (*supra*) also does not disclose any infirmity in the Impugned Judgement warranting interference in exercise of the revisional jurisdiction of this Court.

24. Before adverting to adjudicate upon the other grounds of challenge raised by the learned counsel for the Petitioner, this Court deems it apposite to reproduce the relevant portion of the Impugned Judgement. The same read as under:

**“BONAFIDE REQUIREMENT AND NON-AVAILABILITY
OF ALTERNATIVE ACCOMMODATION”**

17) *Since the two issues are interconnected, therefore, the said two issues are taken up together.* It is pertinent to note here the judgment of the Hon’ble Apex Court in **Abid-ul-Islam Vs. Inder Sain Dua, (2022) 6 SCC 30** herein where it was stated by the Hon’ble court that requirement is the existence of bona fide need, when there is no other “reasonably suitable accommodation”. Therefore, there has to be satisfaction on two grounds, namely, (i) *the requirement being bona fide and (ii) the non-availability of a reasonably suitable residential accommodation.* **Such reasonableness along with suitability is to be seen from the perspective of the landlord and not the tenant.** Further, it is a well settled proposition of law that it is not sufficient that any kind of the property should be available to the petitioner/landlord to rule out the benefit of 14(1)(e) of D.R.C. Act. The property available with the petitioner/landlord should also be reasonably suitable property. In **M M Quasim vs/ Manohar Lal Sharma, (1981) 3 SCC 36**, the Apex Court has that the landlord does not have an unfettered right to choose the premises *but merely showing that the landlord has some other vacant premises in his possession may not be sufficient to negative the landlord’s claim if the vacant premises were not suitable for the purpose for which he required the premises.* In the light of the said principles, I proceed to consider the contentions of the parties.



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18) Firstly, it is contended that the need is not bonafide as the petitioner does not have any requirement as other portion is already lying vacant as the same was handed over by the other tenant during the pendency of the petition. However, Hon'ble Supreme court in **Baldev Singh Bajwa vs Monish Saini (2005) 12 SCC 778** has held that *whenever a landlord seeks eviction of the tenant for bonafide need, the controller shall presume the need as genuine and bonafide*. Further, in this regard, it is pertinent to note that a person cannot be expected to sit idle and reach a state of starvation before his need is considered bonafide. Reliance in this regard is placed upon the decision of Hon'ble Supreme Court in the case of **Raghunath G. Panhale Vs. M/s Chaganlal Sunderji & Co. AIR 1999 SC 3864** wherein it was observed 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 his premises for establishing a business.'

19) Furthermore, the provision of Section 19 (2) of DRC Act is to be emphasized which protects a tenant in case the landlord recovers possession of any premises and the premises are not occupied by the landlord or by the person for whose benefit the premises are held within two months of obtaining such possession or having obtained the possession, the same are re-let to any other person within three years from the date of obtaining the possession. *Thus, the said contention is also devoid of merits and does not render the need of the petitioner as malafide.*

20) Even otherwise, it is trite to state that even if the landlord has other commercial premises available to him and even if the landlord is letting out the said portions for earning income/livelihood, since the petitioner intend to use the premises in occupation of the tenant for needs of her Bonafide need, the Court cannot intervene in the same. *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. It is the right of the petitioner to look after her affairs and if the tenanted premises is suitable as per her needs, she has every right to possess the said premises and the respondent cannot contend that she should manage her work otherwise. Therefore, a bald assertion in this regard without any cogent material qua availability of the purported commercial space in the said alternative accommodation does not assist the case of respondent.* Further, it is trite to state that the burden is upon the tenant to show that other alternative suitable accommodation is available with landlord and how the said premises were suitable for the pleaded requirement. Reference is made to the judgment of the Hon'ble High Court of Delhi in the case of **Lalta Prasad Gupta Vs. Sita Ram, 2017 SCC Online Del 13026**, wherein it was held as under:-

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“18. Thus, if the tenant seeks leave to defend controverting the requirement pleaded by landlord on the ground of the landlord, though at the time of requirement having alternate premises, having not used the same and instead having commercially exploited the same, **the tenant must plead** (a) the particulars of such premises; (b) the right/title of the landlord to the same; (c) **that the said premises were vacant and available for use at the time of pleaded requirement of landlord;** (d) **how the said premises were suitable for the pleaded requirement;** and (e) how the landlord has deprived himself thereof i.e. by sale or letting and support the said pleas with material on the basis whereof such pleas will be proved.”

21) Furthermore, it is the prerogative of the landlord to determine which premises best suits his requirements. It is trite to state that an alternative accommodation, to entail denial of claim of landlord, must be reasonably suitable, obviously in comparison with tenanted premises, where from the landlord is seeking eviction.

22) It is pertinent to note that in case of **Gaya Prasad Vs. Shri Pradeep Srivastava, Appeal Civil No. 1071/1072 of 2001**, it was observed as under :-

10. “..... During 23 years after the landlord moved for eviction on the ground that his son needed the building. **Neither the landlord nor his son is expected to remain idle without doing any work, lest, joining any new assignment or starting any new work would be at the peril of forfeiting his requirement to occupy the building. 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.** If a young entrepreneur decides to launch a new enterprise and on that ground he or his father seeks eviction of a tenant from the building, the proposed enterprise would not get faded out by subsequent developments during the traditional lengthy longevity of the litigation. His need may get dusted, patina might stick on its surface, nonetheless the need would remain intact. All that is needed is to erase the patina and see the glose. It is pernicious, and we may say, unjust to shut the door before an appellant just on the eve of his reaching the finale, after passing through all the previous levels of the litigation, merely on the ground that certain developments occurred pendentelite, because the opposite party succeeded in prolonging the matter for such unduly long period.”

23) Even otherwise, in the case of **Ragavendra Kumar vs. Firm Prem Machinery AIR 2000 SC 534**, the Hon'ble Supreme court

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held that it is settled position of law that the landlord is best judge of his requirement for residential or business purpose and he has got complete freedom in the matter. Reference may also be made to the case of Prativa Devi (Smt) v. T.V. Krishnan (1996) 5 SCC 353.

24) Secondly, the contention that respondent has no other place for business or is dependent upon tenanted premises for livelihood has no bearing on the merits of present case. In case titled as “**Satyawati Sharma Vs. U.O. I. AIR 2008 SC 3148**”, it was held by the Hon’ble Supreme Court that Section 14 (1)(e) of the 1958 Act is violative of the doctrine of equality embodied in Article 14 of the Constitution of India in so far as it discriminates between the premises let for residential and non-residential purposes when the same are required bonafide by the landlord for occupation for himself or for any member of his family dependent on him and restricts the latter’s right to seek eviction of the tenant from the premises let for residential purposes only. *Thus, there is no bar on landlord for seeking recovery of non-residential premises on the ground of bonafide need under Section 14 (1) (e) of DRC Act.* Furthermore, it is a well settled principle of law that a Rent Controller has to see the bonafide requirement of the petitioner and not the comparative hardship of the respondent. Reliance in this regard is placed upon the Apex Court’s decision in **Bega Begum and Ors. v. Abdul Ahad Khan and Ors (1979) AIR 272** that the inconvenience loss and trouble resulting from denial of decree of eviction in favour of the landlord far outweigh the prejudice or the inconvenience which will be caused to the tenant. *Hence, the said contention is devoid of merits.*

25) Thirdly, it is contended that the petitioner has failed to disclose the business for which the tenanted premises is required by her. It is further contended that petitioner has failed to disclose the exact type of business the petitioner wishes to start. However, it is pertinent to note that the DRC act is silent about any requirement of the landlord for giving details/divulging anything qua the nature/purpose of the proposed business. Hence, the landlord is not required to disclose the exact nature of use of premises in eviction petition. Reliance in this regard is placed upon the decision of Hon’ble Delhi High Court in **H S Banka vs Mohan Lal 2025 SCC Online Del 6372**. Even otherwise, in the case of **Raj Kumar Khaitan & Ors. Vs. Bibi Zubaid Khatun & Ors, AIR 1995 SC 576**, it was held by Hon’ble Supreme Court that *even if the nature of business would have been indicated, nobody could bind the landlords to start the same business in the premises after it was vacated.* Thus, it is the prerogative of the landlord to determine which business he intends to start and whether the tenanted premises is suitable or not for said purpose. *Thus, the said contention is also devoid of merits.*

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26) Further, it is contended that the need is not bonafide as the petitioner could easily run her projected business from the other space available on the ground floor of the subject premises adjacent to the tenanted premises. It is stated that during the cross-examination, the petitioner has admitted that they had received vacant possession of the other room, however, that they intend to use both the rooms as their office-cum-sitting space and the space of one room alone is not sufficient. **It is trite to state that while deciding the question of bonafide requirement of the landlord, it is quite unnecessary to make an endeavor as to how else the landlord could have adjusted.** It is not for the court or the tenant to dictate to the landlord to make alterations in his property for making it suitable for his need when on the contrary he can use the tenanted premises. Also, in case the petitioner fails to occupy the premises as has been claimed by him, the Delhi Rent Control Act also provides for recovery of possession by the respondent/tenant of the tenanted premises for his re-entry and occupation. It is pertinent to note herein the case of **Ravichandran and Ors. Vs Natrajan Nadar and Ors. (2004) 1 MLJ 456**, wherein it was held:

“Even assuming that other premises are available, then the choice is left to the landlord to decide as to which non-residential premises he should occupy, and the tenant cannot have any say in the matter. If the landlord is able to show the bonafide, then the tenant cannot dictate terms to the landlord that he should occupy some other building and not the one mentioned in the petition.”

27) Thus, it is not for the tenant to dictate to landlord that he could merge other parties of the subject premises, rather than use the tenanted premises in his occupation. It is neither open for the court nor for the tenant to decide as to how else the landlord could make alterations/modification in his property. Hence, the said contention is also devoid of merits.

28) Further, it is contended that petitioner has not come to court with clean hands and is guilty of material concealment. Here, I also find it pertinent to refer to the case of **Nalini Kant Gupta Vs. Lajja Gupta, 2017 SCC Delhi 10247**, wherein it was held that *once the tenant has had full opportunity and the parties have gone to trial on all facts, the petition for eviction for self-requirement cannot be dismissed on the ground of suppression. It was held that the argument of concealment is not available in as much as no prejudice can be said to have been suffered by the tenant after having an opportunity to lead evidence on all pleas.* Therefore, even if the petitioner had concealed certain facts, the same is not a ground for dismissal of the present eviction petition since the parties had an opportunity to lead evidence. Hence, the said plea of respondent is also devoid of merits.

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29) As far as claim is concerned that petitioner does not have any prior experience of running any business, the said contention is also devoid of merits. **In Ram Babu Aggarwal Vs. Jay Kishan Dass 2009 (4) RCR (Civil) 748**, it was held that merely because the landlord has no prior experience in business, it cannot be a ground to doubt his bonafide.

30) Fourthly, it is contended on behalf of the respondent that petitioner/landlord has not placed on record the correct site plan of the suit property, however, it is pertinent to note that no counter site plan has been filed by the respondent for a triable issue to arise. In the case of V.S. Sachdeva Vs. M.L. Grover 1997 (2) RCR 302, it was held that if no site plan is filed by tenant, then the site plan filed by the landlord is deemed to be correct. Also, in the case of Rishal Singh Vs. Bohat Ram & Ors. 2014 (144) DRJ 633, the Hon'ble High Court of Delhi held that it is settled law that when the tenant contests the accuracy of the site plan filed by the landlord, he is required to file a copy of the site plan, he believes to be correct so as to guide the Court in finding the discrepancies in the site plan filed by the landlord. It was observed that without such site plan being filed, the mere contentions raised to this effect will be considered meritless. Thus, it cannot be said that the respondents have given facts or particulars which require to be established by way of evidence. The respondents have made allegations for the sake of making allegations. Hence, the aforesaid contention is devoid of merits.

31) Fifthly, it is contended that the premises falls within Slum notified area but the petitioner has not taken the permission of the competent authority (Slum). In this regard, it has been admitted by Id. Counsel for the petitioner during oral arguments that the property falls within the slum areas, however, it is stated that there is no requirement for seeking the requisite permission as the present petition is a petition u/s 14 (1) (e) of DRC Act. On the said aspect, it is necessary to refer to the case titled as Shafait Ali Vs. Shiva Mal (Dead) by LR's AIR 1988 SC 214, where in reference was made to judgment delivered in Ravi Dutt Sharma Vs. Rattan Lai Bhargava AIR 1984 SC 967 and it was held that:

"Section 14A, 14 (1)(E), 25A, 253 & 25C of Delhi Rent Control Act are special provisions so far as the landlord and tenant are concerned and further in the view of the non- obstante clause in the Section, these provisions override the existing law, so far as the new procedure is concerned. In that view of that matter, we are of the opinion that the Slum Areas (Improvement and Clearance) Act, 1956 would have no application in these cases covered by Section 14A and 14 (1) (E) of the Delhi Rent Control Act specially in view of provisions which were added by the Amending Act of 1976. In view of the

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procedure in Chapter IIIA of the Rent Act, the Slum Act is rendered inapplicable to the extent of inconsistency and it is not, therefore, necessary for the landlord to obtain permission of the Competent Authority U/s. 19(1) (A) of the Slum Act before instituting a suit for eviction and coming within Section 14(1) (e) of the Rent Act."

32) Accordingly, in view of the above law, no permission was required by the petitioner before filing the present petition u/s 14 (1) (e) of DRC Act.

33) Hence, in the light of the aforesaid observations and findings, I find that petitioner has been able to establish her bonafide need and respondent have failed to show any suitable alternative accommodation for the said bonafide need.

RELIEF

34) Therefore, I find that the petitioner has established the ingredients of the eviction petition under Section 14(1)(e) of the DRC Act on the basis of preponderance of probabilities. Accordingly, eviction petition stands allowed and eviction order is passed in terms of Section 14 (1) (e) of the Delhi Rent Control Act in favour of the petitioner and against the respondents with respect to the tenanted premises one small room on the ground floor of property bearing no. 71-D, Kamla Nagar, Delhi-110007 and more specifically shown in red colour in site plan.

35) File be consigned to the record room."

(Emphasis supplied)

25. Adverting to the facts of the present case, the next ground of challenge to the Impugned Judgement concerns the subsequent availability of another room on the ground floor during the pendency of the Eviction Petition. It is not in dispute that the learned ARC was conscious of this subsequent development. The learned ARC has specifically considered the fact that possession of the other room had been obtained during the pendency of the proceedings and has recorded that the Respondent intended to utilize both rooms as office-cum-sitting space, the area of one room alone being insufficient for the requirement pleaded.

26. The mere fact that possession of another portion of the property became available to the Respondent during the pendency of the



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proceedings does not, by itself, render the requirement pleaded in respect of the subject premises non-existent. The relevant enquiry is whether, notwithstanding such subsequent development, the requirement of the subject premises continued to subsist. The learned ARC, upon appreciation of the evidence led before it, has returned a categorical finding that the Respondent required the subject premises for the purpose pleaded.

27. Unless the finding of the learned ARC is shown to be perverse, unsupported by the record or founded upon a manifest error of law, the same does not warrant revisional interference. No such infirmity has been demonstrated.

28. Further, the reliance placed upon the decision of the Hon'ble Supreme Court in **Amarjit Singh** (*supra*), particularly Paragraph Nos. 12, 13 and 22 thereof, also does not advance this ground of challenge sought to be raised by the learned counsel on behalf of the Petitioner. The said paragraphs read as under:

“12. This Court upheld that finding. This Court affirmed the proposition that for making the right or remedy claimed by the party just and meaningful as also legal and factual in accord with the current realities, the Court could and in many cases must take cautious cognizance of events and developments subsequent to the institution of the proceedings, provided rules of fairness to both the sides were scrupulously obeyed. In the instant case there is no question of violation of any principle of rules of natural justice. If cognizance is taken of events and developments, subsequent to the initiation of proceedings, it must be held that the landlady had the opportunity of occupying a floor in the house which fell vacant not once but twice subsequent to arising of her need for reasonable accommodation. She chose not to occupy the said premises. The landlady asserts that she must have means to live before she can utilise her living space to live. The landlady asserts that in order to have her means to live, she must let one floor on rent. According to her, that is the only source of her income. But it is not clear from the learned Rent Controller's findings or the High Court adjudication whether the huge bank balances alleged to belong to



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the landlady yield any income or not or is insufficient income for her to live. Therefore, for the purpose of this appeal, we must proceed on the assumption that the landlady needed money to live and the income from her house letting was a source of her income. But the question is, is it a sufficient ground which will bring her out from the second limb of the conditions imposed by Section 14(1)(e) of the Act? There is no dispute that subsequent events can be taken into consideration. There is no dispute that administration of justice demands that any changes either in fact or in law must be taken cognizance of by the court but that must be done in a cautious manner of relevant facts

13. Hasmat Rai v. Raghunath Prasad [(1981) 3 SCC 103 : AIR 1981 SC 1711 : (1981) 3 SCR 605] which was a case under Madhya Pradesh Accommodation Control Act, 1961 is relevant. There the question was whether the (sic) after filing of two eviction suits and acquiring possession of a major portion of the suit premises through an eviction order passed in one of them amounts to the landlord “has a reasonably suitable non-residential accommodation of his own in his occupation in the city or town concerned” within the meaning of Section 12(1)(f) of the M.P. Act of 1961. It was reiterated that when an action was brought by the landlord under Rent Restriction Act for eviction on the ground of personal requirement, his need must not only be shown to exist at the date of the suit but must exist on the date of the appellate decree or on the date when a higher court deals with the matter. Even at the last stage the tenant was entitled to show that the need or requirement no more exists. Otherwise the landlord would derive an unfair advantage. It was further held that in order to obtain possession under Section 12(1)(h) of the Madhya Pradesh Act, the landlord had to establish his bona fide requirement of the accommodation in possession of the tenant. At p. 624 of the report (SCC p. 119), Pathak, J. reiterated that the High Court was bound to take the fact into consideration because, it is well settled that in a proceeding for the ejectment of a tenant on the ground of personal requirement under a statute controlling the eviction of tenants, unless the statute prescribes to the contrary the requirement must continue to exist on the date when the proceeding was finally disposed of either in appeal or revision by the relevant authority. Therefore, subsequent events can be taken cognizance of if they are relevant and material. In the instant case the fact that the other flat in the premises fell vacant which the landlady could have occupied but she did not and let it out to fetch higher income was a relevant factor. It can be taken cognizance of.

22. In the premises we are of the opinion that the High Court was wrong in the view and the approach it took and in view of the undisputed facts that the landlady had in her choice to go into the

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premises in question but she did not, she has become disentitled to the right of eviction. The fact that the tenant was a troublesome tenant inasmuch as that he questioned the liability to the landlord is irrelevant.”

29. In **Amarjit Singh** (*supra*), the subsequent event was found to be material as the accommodation which had fallen vacant was itself available to the landlady for occupation, was reasonably suitable for the requirement pleaded, and had, on more than one occasion, been consciously not occupied by her and instead let out to earn income. It was in that factual context that the Hon’ble Supreme Court held that the subsequent development had a bearing upon the subsistence of the requirement.

30. The facts of the present case stand on a materially different footing. The subsequent availability of the other room was not treated by the learned ARC as an accommodation which, by itself, rendered the Subject Premises unnecessary. On the contrary, upon consideration of the evidence, the learned ARC returned a specific finding that the Respondent required the subject premises for the purpose pleaded. Thus, the subsequent event relied upon by the Petitioner was duly taken into consideration and was found not to extinguish the requirement for the Subject Premises.

31. The principle emerging from **Amarjit Singh** (*supra*) that subsequent events which are relevant and material may be taken into consideration is, therefore, not in dispute. However, the application of that principle necessarily depends upon the nature and effect of the subsequent event in the facts of each case. In the present case, the subsequent availability of the other room was considered by the learned ARC and was found not to furnish a reasonably suitable



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substitute for the Subject Premises. Such a finding, based upon the evidence before the learned ARC, cannot be displaced merely because another view of the effect of the subsequent event may be conceivable.

32. In exercise of the revisional jurisdiction under the *proviso* to Section 25-B(8) of the DRC Act, this Court is not required to re-appreciate the evidence or substitute its own assessment of the sufficiency of the other room for that of the learned ARC. No perversity, manifest illegality or error apparent on the face of the record has been demonstrated in the manner in which the learned ARC dealt with the subsequent event. The reliance placed upon **Amarjit Singh** (*supra*) is, therefore, misplaced and does not warrant interference with the Impugned Judgment.

33. Learned counsel for the Petitioner has next contended that the *bona fide* requirement pleaded by the Respondent being for a commercial purpose could not constitute a valid ground for seeking eviction under Section 14(1)(e) of the DRC Act, as he has not obtained the requisite permission for the competent authorities. The said submission, however, cannot be accepted in view of the settled legal position noticed by the learned ARC. The statutory ground under Section 14(1)(e) of the DRC Act is not rendered unavailable merely because the premises are sought to be recovered for a *bona fide* commercial requirement.

34. The question before this Court, therefore, is not whether the requirement pleaded by the Respondent is residential or commercial, or whether he has obtained any necessary permissions, but only whether the Respondent has established the ingredients necessary for



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invoking Section 14(1)(e) of the DRC Act. The learned ARC has examined the requirement pleaded, the availability of alternative accommodation and the material brought on record by the parties and, upon appreciation of the evidence, has returned a finding in favour of the Respondent.

35. The contention regarding the commercial nature of the requirement and alleged lack of permission thereto, therefore, does not disclose any error of law in the Impugned Judgment. It is also not the case of the Petitioner that the learned ARC applied an incorrect statutory test while examining the *bona fide* requirement. The submission, in substance, seeks to question the factual conclusion reached by the learned ARC, which cannot be revisited in the present Revision merely because another view may be possible.

36. The final ground urged by learned counsel for the Petitioner relates to the correctness of the site plan relied upon by the Respondent. The learned ARC has specifically considered this objection and has noted that, despite disputing the correctness of the site plan, the Petitioner did not place on record any counter site plan depicting the property in the manner asserted by him.

37. A mere assertion that the site plan furnished by the Respondent is incorrect, without placing before the learned ARC the site plan which, according to the Petitioner, correctly represents the premises, cannot by itself constitute a triable issue, particularly where the parties have already led evidence and the matter has proceeded to trial. The learned ARC, therefore, cannot be faulted for declining to accept an unsubstantiated objection regarding the site plan.

38. More importantly, the Petitioner has not demonstrated before



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this Court how the alleged discrepancy in the site plan has resulted in any erroneous adjudication of the Respondent's *bona fide* requirement or the availability of reasonably suitable alternative accommodation. The objection, therefore, remains at the level of a bare assertion and does not disclose any material infirmity in the decision-making process adopted by the learned ARC.

39. Viewed cumulatively, none of the grounds urged by the Petitioner discloses any jurisdictional error, manifest illegality, material irregularity or perversity in the Impugned Judgment. The learned ARC has considered the objections raised by the Petitioner, appreciated the evidence led by the parties and recorded findings on the material issues arising for determination. What the Petitioner seeks, in substance, is a re-appreciation of the evidence and a substitution of the conclusions reached by the learned ARC with conclusions that may be more favorable to him. Such an exercise falls outside the limited scope of revisional jurisdiction under the proviso to Section 25-B(8) of the Act.

40. It is also significant that the Eviction Petition was adjudicated after conclusion of the trial. The present Revision, therefore, cannot be permitted to operate as a second appeal on questions of fact merely because the Petitioner seeks to place a different construction on the evidence or the subsequent events. The findings returned by the learned ARC are neither shown to be perverse nor demonstrated to be contrary to any settled principle of law.

DECISION:

41. In view of the foregoing discussion, this Court finds no infirmity in the Impugned Judgment warranting interference in



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exercise of the jurisdiction under the *proviso* to Section 25-B(8) of the Act.

42. Accordingly, the present Petition, being *sans* merit, is dismissed.

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

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 25, 2026/tk/DJ

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