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

***Date of decision: 25.11.2026***

\# **CNR No. DLHC010280542021**

\+ RC.REV. 135/2021, CM APPL. 30735/2021 (Stay) & CM APPL. 18026/2024 (Seeking discharge from their undertaking recorded in the order dt. 10.09.2021)

SH. JAGDISH CHAND (SINCE DECEASED) THROUGH L.R.S .....Petitioner

Through: Mr. Sheetesh Khanna, Mr. Deevanshu Sharma and Mr. Kartik Wadhwa, Advocates.

versus

SH. SHYAM MOHAN SHARMA .....Respondent

Through: Mr. Jai Sahai Endlaw, Ms. Shruti Kapur and Ms. Rukmini Rajagopal, Advocates.

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

**%** **JUDGEMENT (Oral)**

1. The present Petition, filed under the *proviso* to Section 25-B(8) of the Delhi Rent Control Act, 1958 ["**DRC Act**"], seeks to assail the Judgment dated 01.04.2021 ["**Impugned Judgment**"], passed by the learned Additional Rent Controller-02, Central District, Tis Hazari Courts, Delhi ["**learned ARC**"], in the Eviction Petition, being ARC No. 80506/16 (E-387/14/10) ["**Eviction Petition**"].

2. By way of the Impugned Judgment, the learned ARC, after trial and on the basis of the material and evidence on record, allowed the Eviction Petition filed under Section 14(1)(e) of the DRC Act, and

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passed an order of eviction in respect of one shop, being GF-3, situated on the ground floor of the property bearing No. 970, Bhojpura, Maliwara, Nai Sarak, Delhi-110006 ["**Subject Premises**"].

***BRIEF FACTS:***

3. The Eviction Petition was instituted on 12.05.2010 by Sh. Shyam Mohan Sharma, the original Respondent herein, against Sh. Jagdish Chand and his son, Sh. Sanjay Kumar Kapoor, the tenants in the Subject Premises, under Section 14(1)(e) read with Section 25-B of the DRC Act. The original Respondent claimed to be the owner of one half of the property bearing No. 970, Bhojpura, Maliwara, Nai Sarak, Delhi, and sought the eviction of the tenants from the Subject Premises in order to accommodate his son, Sh. Vikas Sharma, a jewellery designer, who was pleaded to be dependent upon him, so as to enable him to start a business of jewellery designing. The ground on which eviction was sought, as set out in Paragraph No. 18(a) of the Eviction Petition, reads as under:

> "**18. (a) The grounds on which the eviction of the tenant is sought:** That the petitioner is owner of half property bearing no. 970, Bhojpura, Maliwara, Nai Sarak, New Delhi and the premises was let out to the respondents for commercial purposes and now the same are bonafide required by the petitioner for use as an accommodation for his children dependent upon him. The petitioner is residing in the portion shown in Blue colour in the site plan attached, which is insufficient. The other half portion is owned by the wife of the petitioner and is occupied by the tenants. The petitioner has filed two other petitions against Sh. Laxmi Narain and his wife of the portion shown in Yellow colour in the site plan attached for use as a guest room and drawing-dinning room. The wife of the petitioner and son of the petitioner own property no. 2274, Hudsan Lane, Kingsway Camp, Delhi and the sons of the petitioner and the wife of the petitioner are residing in the said property. The petitioner has two sons namely Sh. Vikas Sharma who is a jewellery designer and Sh. Nitin Sharma who is doing business of Amway company. The petitioner wants the shop in

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> question to accommodate Sh. Vikas Sharma to start a business for Jewellery designing as Maliwara is a jewellery market and the premises in suit is also in vicinity of jewellery market. The petitioner and son of the petitioner do not have any accommodation to accommodate his son for jewellery business and the sons and wife of the petitioner have only residential accommodation. The accommodation with the petitioner insufficient as the petitioner has six married sisters, who visit the petitioner."
>
> ***(Emphasis supplied)***

4. The application seeking leave to defend filed by the tenants came to be allowed vide Order dated 09.09.2010, and the tenants were directed to file their written statement. Subsequently, pursuant to an Order dated 22.01.2013, an amended written statement ["**Written Statement**"] was filed, wherein the tenants, *inter alia*, specifically disputed that the sons of the original Respondent were dependent upon him. The parties thereafter led their respective evidence, the original Respondent having examined himself as PW-1, and Sh. Sanjay Kumar Kapoor having deposed on behalf of the tenants as RW-1. Upon the conclusion of the trial, the learned ARC, by way of the Impugned Judgment, allowed the Eviction Petition.

5. The present Petition has been preferred by the legal representatives of the tenant, Sh. Jagdish Chand, who passed away during the pendency of the Eviction Petition. The original Respondent, Sh. Shyam Mohan Sharma, has also passed away during the pendency of the present Petition, and his legal representatives, namely, his wife and his two sons, including Sh. Vikas Sharma, have been brought on record in his place. For the sake of convenience, the expression "Respondent" is used hereinafter to refer to the original Respondent as well as to his legal representatives, as the context may require. It may also be noted that, in the pleadings before the learned

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ARC, as also in the Impugned Judgment, the Respondent herein has been referred to as the "petitioner" and the tenants as the "respondent(s)". The extracts reproduced hereinafter are to be read accordingly.

***SUBMISSIONS ON BEHALF OF THE PETITIONER:***

6. Learned counsel appearing on behalf of the Petitioner would submit that the Impugned Judgement suffers from a fundamental infirmity, inasmuch as it omits to adjudicate upon an essential ingredient of Section 14(1)(e) of the DRC Act.

7. Learned counsel for the Petitioner would submit that, although the learned ARC has examined the *bona fides* of the requirement and the availability of alternative accommodation, however, it has wholly failed to consider whether the son of the Respondent, for whose requirement the Subject Premises were sought, was "*dependent*" upon the Respondent, an issue which had been specifically raised by the Petitioner in the Written Statement.

8. In this regard, learned counsel for the Petitioner would draw the attention of this Court to the relevant portions of the Written Statement, which read as under:

> "**12.** That the petitioner has admitted that his wife and sons are not staying with him and in fact they are staying separately in the property owned by them at 2274, Hudson Lane, New Delhi. As per the allegations of the petitioner, the petitioner is living separately from his wife and children.
> **13.** That from the above it is clear that neither the wife not the children are not dependent upon the petitioner either for residence or otherwise.
> xxx xxx xxx
> **20.** That on the other hand, the petitioner has got so many premises vacated and relet them at higher rental. Even the son of the petitioner, though he is totally independent in residence, kitchen and business, has got independent property in Hudson Lane, which

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> he can very easily use for the running of any kind of business. Unfortunately, instead of setting up a business for himself in the property owned by him, the son of the petitioner chose to sell off part of the said property."
>
> ***(Emphasis supplied)***

9. Learned counsel for the Petitioner would further submit that the Eviction Petition was founded entirely upon the requirement of the son of the Respondent, and that the plea of his dependency, being the very basis of the claim, stood specifically raised by the Petitioner. It would be contended that the evidence on record, far from establishing such dependency, militates against it.

10. In this regard, learned counsel for the Petitioner would draw the attention of to the cross-examination of the Respondent as PW-1, wherein he admitted that his sons were residing along with their families in the property bearing No. 2274, Hudson Lane, Kingsway Camp, Delhi, which was owned by them and their mother and is situated in an area of mixed land use, and that he further deposed that "*My sons are not doing anything else. They have no place to work. They are dependent upon the rental income of their mother*."

11. Learned counsel for the Petitioner would therefore urge that, on the own showing of the Respondent, his sons were dependent, if at all, upon the rental income of their mother and not upon the Respondent, and that the property at Hudson Lane was itself available to the son of the Respondent for setting up a jewellery showroom.

12. Learned counsel would, therefore, contend that the learned ARC, having itself enumerated the dependency of the member of the family as one of the ingredients of Section 14(1)(e) of the DRC Act, could not have proceeded to examine the *bona fides* of the requirement and the availability of alternative accommodation without

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first returning a finding on the said ingredient, and that the Impugned Judgment, being silent thereon, suffers from an error apparent on the face of the record.

***SUBMISSIONS ON BEHALF OF THE RESPONDENT:***

13. ***Per contra,*** learned counsel appearing on behalf of the Respondent would support the Impugned Judgment and submit that the aspect of dependency, though not dealt with under a separate head, stands subsumed in the analysis undertaken by the learned ARC on the *bona fide* requirement of the Respondent and the availability of alternative accommodation.

14. In support of the said submission, learned counsel for the Respondent would refer to and rely upon Paragraph Nos. 12 to 15 and 17 of the Impugned Judgment. The same read as under:

> "**12.** It is pertinent to mention that to exclude the petitioner/landlord from having the benefit of Section 14(1)(e) of the D.R.C. Act, the respondent has to prove that the petitioner is having alternative reasonably suitable accommodation.
> It is 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. If the petitioner/landlord has filed the eviction petition for commercial bonafide requirement but the property available with the petitioner is residential one, it cannot be said that the petitioner is having the alternative reasonably suitable commercial accommodation.
> **13.** It is well settled whether the property available with the petitioner is convenient and suitable or not is to be determined from the point of view of the petitioner/landlord and not from the point of view of the tenant/respondent. The respondent/tenant cannot dictate the terms to the petitioner to use the property in the particular manner. The petitioner/landlord is the best judge of his requirement.
> **14.** Perusal of petition shows that the petitioner has sought the tenanted premises for commercial requirement of his son Sh. Vikas Sharma for starting a business for jewellery designing as Maliwara is a jewellery market and tenanted premises is in the vicinity of

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jewellery market.

On the other hand, the respondent has claimed that petitioner has got possession of many premises in suit property in the last 1 ½ years but instead of using these premises, he re-let such premises to several tenants. It is also claimed by the respondent that during the pendency of present petition, in 2012, the petitioner received the possession of premises on the ground floor in property no. 970 which was vacated by tenants Sh. Ram Phal Sharma and Sh. Jai Bhagwan Sharma. It is also claimed by the respondent that basement of property at Hudson Lane was sold out by the son of the petitioner and ground floor thereof is still available to the son of the petitioner.

**15.** I have carefully gone through the testimonies on record and documents filed by the parties. Perusal of written statement shows that the respondent has claimed that premises available on the ground floor has been let out to Sh. Deepak one year ago. Perusal of testimony of RW1/respondent shows that he has admitted during the cross examination that wife of petitioner owns such premises under the tenancy of Sh. Deepak. As far as shop vacated by Sh. Ramphal is concerned, the respondent has also deposed during the cross examination that "*At this stage, the attention of the witness is drawn towards the site plan, Ex.PW1/2 to which the witness submits that the shop belonging to Sh. Ramphal Sharma and Sh. Jai Bhagwan Sharma is at point X*". Perusal of petition shows that petitioner has inter-alia stated in the petition that the half portion is owned by the wife of the petitioner and is occupied by the tenants. Perusal of testimony as reproduced earlier shows that the petitioner has admitted the location of shop at point 'X' in site plan Ex.PW1/2 filed by the petitioner which was vacated by the tenants Sh. Ramphal and Sh. Jai Bhagwan Sharma. Perusal of Ex.PW1/2 shows that shop point 'X' is not owned by the petitioner but owned by his wife. As far as other shops in the suit property are concerned, during the cross examination, RW1 has deposed that "*It is correct that the suit property is owned by Sh. Shyam Mohan Sharma and his wife equally. The shop Mark A in Ex.RW1/1 was earlier under the tenancy of Sh. Deepak Saree Centre and now it is under the tenancy of Kanashika Sarees. The shop Mark H is under the tenancy of Laxmi Suits and Sarees. Vol. The shop Mark G is lying vacant. The shop Mark C is under the tenancy of M/s Laxmi Suits and Sarees. Portion Mar B is in the possession of M/s Raj Sons. The offices Mark E is on rent, I do not know the name of the tenant. Vol. Portion Mark I and Mark D are in possession of the petitioner. The shop shown as Mark A, B, D and F on the ground, first, second and third floor are owned by the wife of the petitioner. The portion on the right side on the ground fourth floor with passage is also owned by the wife of the petitioner. The shop Mark A was under the tenancy of Sh. Deepak....*

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> ……. *It is also correct that in the portion under the ownership of the petitioner, there are two tenants on the ground floor namely Laxmi Narain and myself.....*"
>
> xxx xxx xxx
>
> **17.** As far as property at Hudson Lane is concerned, it is undisputed fact that basement of such property is already sold out several years ago before the filing of present petition. As far as ground floor is concerned, the petitioner has claimed that property no.970 is more suitable to the petitioner for opening the business of jewellery as the jewellery market is in the vicinity. Moreover, during the cross examination, RW1 has admitted that there is no jewellery market at Hudson Lane. Moreover, the respondent has not claimed that this property belongs to the petitioner. Moreover, the respondent has admitted the fact that 3rd and 4th floor of the suit property is occupied by the tenants. As such, perusal of testimony on record, documents filed and material on record manifestly shows that the requirement of petitioner in respect of his son is bonafide and petitioner is not having the alternative reasonably suitable commercial accommodation to satisfy the requirement of his son."
>
> ***(Emphasis supplied)***

15. Learned counsel for the Respondent would submit that, in the aforesaid paragraphs, the learned ARC has examined the requirement of the son of the Respondent, the business which he proposed to set up, and the suitability of the property at Hudson Lane, and has found the requirement pleaded on his behalf to be *bona fide*. It would be contended that such an examination necessarily proceeds on the footing that the son was a member of the family dependent upon the Respondent, and that the said discussion, therefore, suffices to answer the question of dependency as well as that of the *bona fide* need of the Respondent.

16. Learned counsel for the Respondent would further submit that the evidence on record, in any event, supports the case of dependency, inasmuch as the Respondent, in his cross-examination as PW-1, specifically denied the suggestion put to him in the following terms: "*It is wrong to suggest that both my sons are not dependent upon me*

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*financially or for accommodation.*" It would, therefore, be urged that the Petitioner, beyond putting the said suggestion, failed to bring on record any material to dislodge the case of dependency set up by the Respondent, and that the Impugned Judgment, therefore, calls for no interference.

***ANALYSIS:***

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

18. 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.

19. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***[1], ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***[2], and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***[3], has consistently held that the jurisdiction exercised by the High Court 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.

20. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in ***Pankaj***

[1] (1998) 8 SCC 119
[2] (2014) 9 SCC 78
[3] (2022) 6 SCC 30

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***Pahwa v. Prem Wati & Ors.***[4], and ***Sanjeev Hiranandani v. Sunny Grover***[5].

21. 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 power of superintendence into that of a regular first appeal, an act, totally forbidden by the legislature."

22. 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

[4] 2024:DHC:9322
[5] 2025:DHC:11285

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*proviso* to Section 25-B(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.

23. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25-B(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 jurisdiction may be warranted.

24. Having noticed the limited contours of the revisional jurisdiction of this Court, it is now necessary to examine whether the Impugned Judgment suffers from the infirmity alleged on behalf of the Petitioner.

25. Clause (e) of the *proviso* to Section 14(1) of the DRC Act enables a landlord, who is the owner of the premises, to seek the recovery of possession thereof where the premises are required *bona fide* by him for himself, or for any member of his family dependent on

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him, and he has no other reasonably suitable accommodation. The learned ARC, in Paragraph No. 6 of the Impugned Judgment, has itself enumerated the ingredients of the said provision as under:

> "As such, followings are the ingredients of Section 14 (1) (e) of D.R.C. Act:-
> **(i) There should be relationship of landlord and tenant between the petitioner and respondent.**
> **(ii) Landlord should be the owner of the tenanted premises.**
> **(iii) <u>That the premises are required bonafide by the landlord for himself/herself or for any member of his/her family dependent upon him/her.</u>**
> **(iv) Landlord should not have other reasonable suitable accommodation.**"
>
> ***(Emphasis supplied)***

26. Where, as in the present case, the requirement pleaded is not that of the landlord himself, but that of a member of his family, the statute, in express terms, makes the dependency of such member upon the landlord a condition for the grant of relief. The dependency of the member of the family and the *bona fides* of the requirement are, thus, distinct ingredients, each of which must be pleaded and established.

27. Dependency is a question of fact, to be determined upon the pleadings and the evidence led by the parties, and there is no presumption in its favour. It is only once the requirement is shown to be that of the landlord himself, or of a member of his family who is dependent upon him, that the question as to whether such requirement is *bona fide* would arise for consideration.

28. The decision of the Hon'ble Supreme Court in ***Sarla Ahuja*** *(supra)*, which has been relied upon by the learned ARC in Paragraph No. 11 of the Impugned Judgment, makes the presumption as to the *bona fides* of the requirement contingent upon the other conditions of the clause being satisfied. The relevant observations read as under:

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> "**14.** The crux of the ground envisaged in clause (*e*) of Section 14(1) of the Act is that the requirement of the landlord for occupation of the tenanted premises must be bona fide. When a landlord asserts that he requires his building for his own occupation, the Rent Controller shall not proceed on the presumption that the requirement is not bona fide. When other conditions of the clause are satisfied and when the landlord shows a prima facie case, it is open to the Rent Controller to draw a presumption that the requirement of the landlord is bona fide. It is often said by courts that it is not for the tenant to dictate terms to the landlord as to how else he can adjust himself without getting possession of the tenanted premises. While deciding the question of bona fides of the requirement of the landlord, it is quite unnecessary to make an endeavour as to how else the landlord could have adjusted himself."
>
> ***(Emphasis supplied)***

29. In the present case, the Respondent specifically founded his claim upon the requirement of his son, pleaded to be dependent upon him, as is evident from Paragraph No. 18(a) of the Eviction Petition extracted hereinabove. The said averment was specifically traversed in the Written Statement, wherein it was asserted that the sons of the Respondent were residing separately, along with their families, in the property at Hudson Lane owned by them, were independent in residence, kitchen and business, and were not dependent upon the Respondent either for residence or otherwise. The issue was, therefore, squarely joined between the parties, and evidence was led thereon, including the deposition of the Respondent as PW-1, upon which reliance has been placed by both sides before this Court.

30. A perusal of the Impugned Judgment, however, reveals that, having enumerated the dependency of the member of the family as one of the ingredients of Section 14(1)(e) of the DRC Act in Paragraph No. 6, the learned ARC proceeded to examine the matter under two heads only, namely, *"Landlordship/Ownership"* and

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*"Bonafide requirement and Alternative accommodation"*.

31. Under the latter head, in Paragraph Nos. 14 to 17, the learned ARC noticed that the Subject Premises were sought for the commercial requirement of the son of the Respondent, examined the availability of the other premises in the suit property and of the property at Hudson Lane, and concluded that the requirement of the Respondent in respect of his son was *bona fide*, and that he did not have any alternative reasonably suitable commercial accommodation. However, nowhere in the Impugned Judgment has the learned ARC adverted to the specific plea of the tenants that the sons of the Respondent were not dependent upon him, or to the evidence led by the parties on the said aspect, much less returned a finding thereon.

32. This Court is unable to accept the contention advanced on behalf of the Respondent that the aspect of dependency stands subsumed in the aforesaid discussion or that the same is implicit in the conclusion.

33. A perusal of Paragraph Nos. 12 to 15 and 17 of the Impugned Judgment make it manifest that the said discussion is directed specifically to the *bona fides* of the requirement and to the availability of alternative accommodation. The mere reference to the property at Hudson Lane in Paragraph No. 17 thereof is made only in the context of examining whether the said property could constitute an alternative reasonably suitable accommodation for the jewellery business proposed to be set up.

34. This Court is of the considered view that a finding that the requirement is *bona fide* presupposes, and does not by itself supply, a finding that the person for whose benefit the premises are sought is a

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member of the family of the landlord dependent upon him. A finding on a distinct statutory ingredient, which was specifically put in issue by the parties, can neither be inferred by implication from the discussion on another ingredient, nor can the omission be cured by reference to the deposition of PW-1 relied upon by the Respondent, since the appreciation of the said deposition, along with the rest of the evidence on record, was a task to be undertaken by the learned ARC.

35. This Court is also conscious that it is not the remit of this Court, in the exercise of its revisional jurisdiction, to undertake that exercise in the first instance, and this Court, therefore, refrains from expressing any view as to whether the son of the Respondent was, or was not, dependent upon him.

36. This Court is, therefore, of the view that, considering the explicit provisions of Section 14(1)(e) of the DRC Act, there arises a need for the learned ARC to determine the aspect of dependency of the member of the family, for whose requirement the premises are sought, before any order of eviction can be passed. As is manifest, there is no discussion in this regard in the Impugned Judgment.

37. In the considered view of this Court, the same is clearly an error which is apparent on the face of the record. The omission is not one of a mere inadequacy of reasoning, but amounts to an absence of adjudication on a material ingredient of Section 14(1)(e) of the DRC Act, which falls squarely within the limited class of cases in which, as held in ***Abid-Ul-Islam*** *(supra)*, interference by this Court in the exercise of its revisional jurisdiction is warranted. The Impugned Judgment, therefore, requires interference by this Court.

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***DECISION:***

38. In view of the foregoing discussion, this Court is of the considered opinion that the Impugned Judgment cannot be sustained, and the same is, accordingly, set aside.

39. The matter is remanded to the learned ARC for a fresh and *de novo* consideration of the Eviction Petition, on the basis of the record already available before it.

40. The parties shall appear before the learned ARC on 15.12.2026. Considering the fact that the Eviction Petition is of the year 2010, the learned ARC is requested to make an endeavor to dispose of the same as expeditiously as possible, and preferably within a period of one (01) year from today.

41. Needless to state, nothing contained in the present Judgment shall be construed as an expression of opinion of this Court on the merits of the case, and all the rights and contentions of the parties are left open.

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

**HARISH VAIDYANATHAN SHANKAR, J.**

**NOVEMBER 25, 2026/tk/DJ**

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