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

Date of decision: 08.09.2026

CNR No. DLHC010422392026

+ RC.REV. 330/2026, CM APPL. 60550/2026 (Stay) & CM APPL. 60551/2026 (Ex. From filing certified copy of the annexures)

NARESH KUMAR

.....Petitioner

Through: Ms. Shruti Munjal, Adv.

versus

SUNNY KASHYAP & ANR.

.....Respondents

Through: Nemo

CORAM:

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

% **JUDGEMENT (Oral)**

1. The present Rent Control Revision Petition, under Section 25-B(8) of **the Delhi Rent Control Act, 1958¹**, assails the **Order dated 07.04.2026²** passed by the **learned Additional Rent Controller, Shahdara District, Karkardooma Courts, Delhi³**, in the Eviction Petition being RC ARC No.510/2017, whereby the application seeking leave to defend preferred by the Petitioner was dismissed, and an Eviction Order came to be passed against the Petitioner herein.

2. Ms. Munjal, learned counsel for the Petitioner, would submit that the Petitioner was the tenant of the ancestors of the Respondents

¹ DRC Act

² Impugned Order

³ Learned ARC



herein and the Petitioner had not attorned to the Respondents and, accordingly, there was no landlord-tenant relationship as between the Petitioner and the Respondents. She would therefore submit that the learned ARC has erred in holding that there existed a landlord-tenant relationship as between the parties.

3. She further submits that the original requirement as pleaded before the learned ARC was for setting up a confectionery shop, which was subsequently amended, and the requirement was then said to be for a Law Office. Furthermore, there was a suitable alternate accommodation, and that the Respondents have a chamber; therefore, there is no requirement for the subject premises. Accordingly, there is no genuine or *bona fide* requirement for the subject premises, and the Impugned order passed by the learned ARC is liable to be set aside.

4. Learned counsel for the Petitioner has limited her arguments to the aforementioned grounds.

ANALYSIS:

5. This Court has heard the learned counsel for the petitioner and, with her able assistance, perused the material available on record.

6. 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.

7. The contours of the aforesaid jurisdiction are well settled. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***⁴, ***Hindustan Petroleum Corporation Ltd. v. Dilbahar***

⁴(1998) 8 SCC 119



*Singh*⁵, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁶, 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.

8. 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.*⁷, and *Sanjeev Hiranandani v. Sunny Grover*⁸.

9. 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 Court is very restrictive and

⁵(2014) 9 SCC 78

⁶(2022) 6 SCC 30

⁷2024:DHC:9322

⁸ 2025:DHC:11285



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.”

10. 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.

11. 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 jurisdiction may be warranted.

12. 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.

13. At this juncture, this Court deems it appropriate to take into consideration the findings rendered by the learned ARC, which, for the sake of convenience, read as under:

“11.It is no longer res integra that the petitioner / landlord in eviction proceedings under Section 14(1)(e) DRC has merely to show that he is something more than a tenant. Thus, the existence of landlord tenant relationship, is to be ascertained by applying the well settled and time tested propositions that (i) for the purpose of establishing landlord-tenant relationship, the onus of proof on the landlord is not akin to a title suit; (ii) as long as it is established that a landlord has a better title than that of a tenant, a tenant cannot resist a plea of existence of a landlord tenant relationship. In the present case, respondent has though technically denied the landlord and tenant relationship between the parties, however, the application seeking leave to defend specifically states that the property was originally owned by the grand-father of the petitioners and he was also the landlord, that later on the father of the petitioners i.e. Sh. Raju Kashyap @ Raj Kumar Kashyap also received rent from him and therefore, there is clear admission that the direct ancestors of the petitioners were the landlord of the tenanted premises. Therefore, the objection of the respondent that rent was later on paid to the paternal uncle of the petitioner i.e. Sh. Devendra Kashyap loses its significance. In any case, the respondent is not claiming that the tenanted premises belongs to him or any person beyond the confines of the family of the petitioners, thus, undoubtedly, the petitioners are able to show a better title to the property as against the respondent. Furthermore, the assertion of the respondent that the original owner i.e. the grand-father of the petitioners Sh. Amar Singh had many legal heirs, and therefore, all of them are also co-owners of the property is not found to be a legitimate defence because a tenant cannot be allowed to interfere in the internal arrangement by the landlord and his family members pertaining to the tenanted premises. In view of the same therefore, this Court finds favour with the assertions of the petitioners on the count that they are the landlords of the tenanted premises.

14.In the present case as well, once the landlord has stated that he requires the tenanted premises for a particular use, the Court is required to believe the statement to be true and genuine, unless and until it is shown by the tenant through cogent material that the requirement is fanciful or whimsical. Against the requirement



projected by the petitioners, respondent has not raised any tenable objection rather he has admitted in the application seeking leave to defend that both the petitioners are indeed practicing as advocates. In view of the aforesaid admission, it is held that the petitioners have successfully shown their bonafide requirement of the tenanted premises for running a law office and there is nothing on the record to suggest otherwise.

15. With regards the requirement of there being alternative accommodation being available with the petitioners, it is to be noted that it has been repeatedly held that the Courts are not to sit in the armchair of the landlord and dictate as to how the available property of the landlord is to be best utilised by him. The landlord is the absolute owner of his property and the best person to decide which property is to be utilised in what way is the landlord himself. In addition, the respondent also cannot dictate as to how the landlord is to utilise his property. The landlord possesses the prerogative to determine their specific requirements, exercising full autonomy in this regard. 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. Essentially, the courts should refrain from prescribing any standard or guidelines for the landlord's residential choices. In "Ragavendra Kumar v. Prem Machinery & Co." [(2000) 1 SCC 679] the Hon'ble Supreme Court was of the view that:-

"10...It is true that the plaintiff landlord in his evidence stated that there were a number of other shops and houses belonging to him but he made a categorical statement that his said houses and shops were not vacant and that the suit premises is suitable for his business purpose. It is a settled position of law that the landlord is the best judge of his requirement for residential or business purpose and he has got complete freedom in the matter. (See Prativa Devi v. T.V. Krishnan [(1996) 5 SCC 353]) In the case in hand the plaintiff landlord wanted eviction of the tenant from the suit premises for starting his business as it was suitable and it cannot be faulted."

16. The respondent has stated that the petitioners have as many as four properties at their disposal to run a law office as are stated in paragraph No. 07 above. Findings of the court on the suitability of above properties shall be given in succeeding paragraphs in order of their appearance in paragraph No. 07.

16.1. The first property is stated to be Lawyer's Chamber bearing No. K-127, Tis Hazari Courts. The reply to application seeking leave to defend reveals that petitioners though accept the existence of said chamber, however, they have qualified it with the assertion that the same belonged to their late father and that the size of the said chamber is insufficient to accommodate three advocates i.e.



the two petitioners and the wife of petitioner No. 1. Nothing further has been contended by the respondent against the aforesaid assertion of the petitioners. Since, petitioners themselves had admitted to the existence of the chamber, therefore, the defence of the respondent to this extent at least stands established. However, in a proceedings U/s 14(1)(e) of DRC Act, the court is not only required to check the existence of an alternate accommodation owned by the landlord(s) but is also mandated to assess if the accommodation is also suitable. It does not require any specific proof that a lawyer's chamber in the premises of Delhi District Courts is not the personal property of an advocate rather they merely occupy a chamber in the capacity of a licensee. Therefore, by any stretch of imagination, same cannot be held to be owned by the concerned advocate i.e. in this case the petitioners. Furthermore, respondent has nowhere stated that a single chamber is sufficient to house the work of three practicing advocates. In absence of such pleading, the same is not found to be suitable alternate accommodation for petitioners.

16.2. One residence-cum-office in about 100 sq. yards at ground floor of House No. 1A, Pandit Park, Ghondli Village, Krishna Nagar, Delhi, 110051. Petitioners have completely refuted the assertion, though, admitting that the property exist. However, they have stated that it is used only as a residence and has never been utilized as an office. Except for simple averment that the property is also an office, the pleadings of the respondent are not supported with any kind of material to substantiate the version presented by him. Furthermore, court finds weight in the assertion of the petitioners that their residence is relatively farther from Karkardooma Courts Complex which their primary place of practice of law. In such a situation where petitioners have a more convenient place available i.e. the tenanted premises they cannot be expected or forced to utilize a property which is apparently farther, on the mere asking of the respondent.

16.3. Two more shops i.e. shop No. 1 and shop No.4 in property No. 32/112, Gali No. 10, Opposite Masjid, Bhikam Singh Colony, Vishwas Nagar, Shahdara, Delhi-110032 which also measures around 100 sq. yards. To this petitioners have stated in reply to the application seeking leave to defend that the two shops have fallen into the shares of their uncles after the demise of their grand father Sh. Amar Singh and that they have no control whatsoever on the two shops. They also claim that all the legal heirs of Sh. Amar Singh arrived at a settlement which was recorded in a memorandum of family settlement dated 21.10.2016. As per the settlement the petitioners got two shops in property No. 32/112 (Old Number 500/20-3A) Gali No. 10, Bhikam Singh Colony, Vishwas Nagar, Delhi. It is claimed by the petitioners in reply to the application seeking leave to defend that the two shops would be



combined into a single area measuring around 320 sq. yards which shall then be utilized as a law office. The assertions of the petitioners are substantiated by way of memorandum of family settlement which contains the covenants as asserted by the petitioners. However, on the other hand, respondent has not brought any documents or even any photographs to establish that the two shops i.e., 1 and 4 are occupied or owned by the petitioners. Rather, since respondent has not filed any rejoinder to the reply the factum of existence of memorandum of family settlement stands admitted.

17. It is established from the discussion in paragraph no.16.1 to 16.3 that respondent has not been able to show that any alternate suitable accommodation exists to meet the requirement of the petitioners.”

14. Tested on the aforesaid parameters and upon a careful perusal of the Impugned Order, this Court finds no infirmity, much less any jurisdictional error, perversity or material irregularity, in the findings returned by the learned ARC. The Impugned Order reflects due consideration of the objections raised by the Petitioner and records cogent reasons for rejecting the same. The challenge raised before this Court, in substance, seeks a re-appreciation of the material placed before the learned ARC and a substitution of the findings returned by the learned ARC with a view which may be more favourable to the Petitioner. Such an exercise falls outside the limited scope of revisional jurisdiction under the proviso to Section 25-B(8) of the DRC Act.

15. The first contention of the Petitioner, namely, that there was no landlord-tenant relationship between the parties on account of the Petitioner having not attorned to the Respondents, is devoid of merit. The learned ARC has noticed that the Petitioner himself had, in the application seeking leave to defend, admitted that the subject premises were originally owned by the grandfather of the Respondents, who



was the landlord, and that rent was subsequently received by the father of the Respondents. Thus, the very foundation of the Petitioner's contention stands belied by his own pleadings. Once the Petitioner acknowledges the title and status of the Respondents' predecessors as landlords of the subject premises, a mere plea that the Petitioner subsequently paid rent to another member of the family cannot, by itself, displace the Respondents' claim to a better title.

16. It is well settled that, in proceedings under Section 14(1)(e) of the DRC Act, the landlord is not required to establish title to the standard applicable in a title suit. The requirement is to demonstrate a title which is superior to that of the tenant. The learned ARC, upon examining the pleadings of the parties, has found that the Petitioner neither asserts any independent title in himself nor sets up any title in favour of a person outside the family of the Respondents. The objection based on non-attornment, therefore, does not disclose any triable issue warranting interference with the Impugned Order.

17. The next contention concerns the alleged change in the purpose for which the subject premises were required. The Petitioner seeks to rely upon the fact that the Respondents had initially pleaded a requirement for establishing a confectionery shop and subsequently amended their case to state that the premises were required for running a law office. However, the mere amendment or refinement of the purpose for which the premises are required cannot, in itself, render the requirement *mala fide*. What is material is whether, on the pleadings and material ultimately placed before the learned ARC, the requirement pleaded by the Respondents was genuine and *bona fide*. The learned ARC has found, upon consideration of the material on



record, that both Respondents are practising advocates and that the requirement of the subject premises for running a law office was *bona fide*.

18. Significantly, the Petitioner himself admitted in the application seeking leave to defend that both the Respondents were practising advocates. The learned ARC was, therefore, justified in considering the Respondents' stated requirement for a law office in the context of their profession and existing accommodation. No material has been brought to the notice of this Court which would demonstrate that the requirement pleaded by the Respondents was fanciful, whimsical or merely a device to secure eviction of the Petitioner. The change in the stated use, by itself, cannot be elevated into a circumstance establishing absence of bona fide requirement.

19. The principal challenge of the Petitioner is, in fact, directed towards the finding of the learned ARC concerning availability and suitability of alternate accommodation. In this regard, the learned ARC has undertaken a property-wise examination of the alternate accommodations alleged by the Petitioner and has recorded specific findings with respect to each of them.

20. As regards Chamber No. K-127, Tis Hazari Courts, the learned ARC has noticed that the Respondents admitted its existence but specifically stated that the chamber belonged to their late father and was insufficient to accommodate the three advocates concerned. The learned ARC further observed that the chamber in question, being a lawyers' chamber in the District Courts, could not be treated as an independently owned property of the Respondents in the manner alleged by the Petitioner. More importantly, the Petitioner failed to



place any material on record to establish that the said chamber was sufficient and suitable to meet the Respondents' stated requirement. The finding that the said chamber does not constitute suitable alternate accommodation is thus based upon the material before the learned ARC and cannot be said to be perverse.

21. Similarly, in respect of the residential property at Pandit Park, the learned ARC has noticed that although the existence of the property was admitted, the Respondents specifically stated that it was being used as a residence and had never been utilised as an office. The Petitioner, apart from making a bare assertion that the premises were also being used as an office, did not place any cogent material in support thereof. The learned ARC also took into consideration the location of the said premises vis-à-vis the Karkardooma Courts, which was stated to be the Respondents' principal place of practice. The finding that the said property could not be regarded as a suitable alternative merely on the basis of the Petitioner's assertion does not suffer from any error warranting revisional interference.

22. The same is the position with respect to Shops Nos. 1 and 4 in property No. 32/112, Gali No. 10, Bhikam Singh Colony, Vishwas Nagar. The learned ARC considered the Respondents' specific stand that, pursuant to the family settlement dated 21.10.2016, the said shops had fallen to the shares of other family members and that the Respondents did not have control over the same. The learned ARC further noticed that the Respondents had relied upon the memorandum of family settlement in support of their assertion, whereas the Petitioner had failed to produce any material demonstrating that the said shops were, in fact, available to the Respondents for the purpose



of setting up their law office. In the absence of any such material, the learned ARC cannot be faulted for concluding that the alleged accommodation did not constitute a suitable alternative.

23. It is also material that the learned ARC did not mechanically accept the Respondents' assertion regarding the non-availability of alternate accommodation. On the contrary, the Impugned Order demonstrates that the learned ARC examined each of the properties specifically relied upon by the Petitioner and assessed not merely their existence but also their ownership, availability and suitability. The finding in paragraph 17 of the Impugned Order is, therefore, the culmination of a reasoned consideration of the material placed before the Court.

24. The argument that the Respondents already have a chamber and, therefore, do not require the subject premises, essentially invites this Court to reassess the comparative suitability of the accommodation available to the Respondents. Such an exercise would amount to substituting the subjective assessment of the landlord with that of the Court. It is settled that the landlord is the best judge of his or her requirement and that the tenant cannot dictate the manner in which the landlord ought to utilise the available accommodation. The Court is only required to examine whether the requirement is bona fide and whether the landlord has a reasonably suitable alternative accommodation. It is not for the Court to prescribe an alternative arrangement merely because, in the opinion of the tenant, such arrangement may suffice.

25. In the present case, the learned ARC has recorded a categorical finding that no suitable alternate accommodation has been established



by the Petitioner. The said finding is neither unsupported by the record nor shown to be manifestly erroneous. The Petitioner has not pointed out any material piece of evidence which was ignored by the learned ARC or any finding which is contrary to the record. Rather, the submissions advanced before this Court seek a fresh evaluation of the same material which was already considered by the learned ARC.

26. It is trite that a revisional court exercising jurisdiction under the proviso to Section 25-B(8) of the DRC Act does not sit as a court of appeal and cannot undertake a roving re-appreciation of evidence merely because another view is possible. Even assuming that the material on record could conceivably admit of another interpretation, that by itself would furnish no ground for interference in revision. The jurisdiction is supervisory and is directed towards ensuring the legality and propriety of the decision-making process, and not towards substituting the conclusion of the learned ARC with that of this Court.

27. In the present case, the learned ARC has considered the Petitioner's objections regarding the landlord-tenant relationship, the *bona fide* requirement and the alleged alternate accommodations, and has returned findings on each of these aspects. The findings are supported by the pleadings and material on record and cannot be characterised as perverse, irrational or such as no reasonable court could have arrived at. There is, therefore, no error apparent on the face of the record or jurisdictional infirmity warranting exercise of the limited revisional jurisdiction of this Court.

28. This Court is, therefore, of the considered view that the Petitioner has failed to demonstrate the existence of any triable issue which could have warranted grant of leave to defend. The learned



ARC has rightly rejected the application seeking leave to defend and has thereafter proceeded to pass the Eviction Order in accordance with law.

29. In view of the foregoing discussion, this Court finds no merit in the present Revision Petition. The Impugned Order dated 07.04.2026 does not suffer from any jurisdictional error, material irregularity, perversity or manifest illegality warranting interference under the proviso to Section 25-B(8) of the DRC Act. The present Petition is accordingly dismissed.

30. The present Petition, along with pending application(s), if any, stand disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J
SEPTEMBER 8, 2026/rk/va