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

Date of decision: 14.10.2026

\# **CNR No. DLHC010499132026**

\+ RC.REV. 395/2026, CM APPL. 71846/2026 (U/O XXXII Rule 1 & 4), CM APPL. 71847/2026 (Ex. From filing the certified copy of the annexures), CM APPL. 71848/2026 (Ex. From filing certified copy of the impugned judgment dt. 16.09.2026) & CM APPL. 71849/2026 (Stay)

SURAJ PRAKASH .....Petitioner

Through: Mr. Ashutosh Rana, Advocate.

versus

JUGAL KISHORE .....Respondent

Through: Mr. M. Qayam Ud Din, Mr. Sudhir Kumar, Mr. Anurag Rawat, Mr. Shubham Tyagi, Mr. Manish Kumar, Ms. Neha Sharma and Ms. Chanchal, Advocates.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

% JUDGEMENT (Oral)

1. The present Revision Petition, filed under the *proviso* to Section 25-B(8) of the **Delhi Rent Control Act, 1958**[1], seeks to assail the **Judgement dated 16.09.2026**[2] passed by the learned **ACJ-cum-**

[1] DRC Act
[2] Impugned Judgement

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ARC, North District, Rohini Courts, Delhi[3], Eviction Petition, being **RC/ARC 26 of 2025**[4], titled *"Jugal Kishore v. Suraj Prakash"*.

2. By way of the Impugned Judgement, the learned ARC dismissed the Petitioner's Application seeking Leave to Defend and, consequently, passed an Eviction Order in respect of the tenanted premises, being the **First Floor of property bearing No. R-111 (Old Plot No. 39-A), Rishabh Nagar, Model Town-III, Delhi**[5].

SUBMISSIONS ON BEHALF OF THE PARTIES:

3. Learned counsel appearing for the Petitioner, at the outset, confines the challenge to the impugned Judgement to the findings concerning the *bona fide* requirement espoused by the Respondent in the Eviction Petition.

4. Learned counsel for the Petitioner submits that the *bona fide* requirement set up by the Respondent before the learned ARC was neither genuine nor substantiated by the material on record. With respect to the bona fide requirement, he trifurcates this challenge as follows: *first*, that the Respondent has placed no documentary material in support of the alleged professional engagement of his son; *second*, that the asserted requirement of a separate room for his daughter is unfounded, particularly when the existing accommodation is stated to be sufficient to cater to her needs; and *third*, that the Respondent's decision to let out the Second Floor of **property bearing No. R-111 (Old Plot No. 39-A), Rishabh Nagar, Model Town-III, Delhi**[6], *i.e.*, the Second Floor of the very same property in which the Subject

[3] ARC
[4] Eviction Petition
[5] Subject Premises
[6] Property No. R-111

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Premises is situated, shortly before instituting the Eviction Petition, casts serious doubt on the genuineness of the requirement now sought to be projected.

5. Elaborating upon the first limb of the challenge to the finding on *bona fide* requirement the learned counsel submits that insofar as the requirement projected for the Respondent's son is concerned, the Respondent did not place on record any documentary material to establish that his son is engaged in the professional activity, as was asserted in the Eviction Petition. It is contended that, in the absence of such material, the requirement of a separate room to be used as a home office is unsubstantiated and cannot form the basis for sustaining the Impugned Judgement.

6. Learned counsel for the Petitioner, adverting to the second limb of the challenge, submits that the requirement of a separate room for the Respondent's 22-year-old daughter is equally untenable, inasmuch as provision for her stay has already been made in the existing accommodation. It is, therefore, contended that the requirement projected in this regard does not disclose any genuine inadequacy in the accommodation presently available to the family.

7. Learned counsel for the Petitioner further submits, with regards to the third limb of the challenge, that the letting out of the Second Floor of Property No. R-111 shortly before the institution of the Eviction Petition is inconsistent with the plea of *bona fide* requirement and, at the very least, raises a triable issue warranting grant of Leave to Defend to the Petitioner.

8. ***Per contra*****,** learned counsel appearing on behalf of the Respondent submits that the grounds urged on behalf of the Petitioner

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before this Court are a mere reiteration of the objections raised before the learned ARC, each of which has been duly considered and dealt with in the Impugned Judgement. It is contended that the learned ARC, upon due consideration of the rival submissions and the material placed on record, has returned reasoned findings rejecting the Petitioner's objections to the bona fide requirement set up by the Respondent.

9. Learned counsel for the Respondent further submits that the revisional jurisdiction of this Court under Section 25-B(8) of the DRC Act is circumscribed and does not extend to a reappraisal of the matter as in an appeal. It is contended that the Petitioner, under the guise of challenging the Impugned Judgement, seeks to invite this Court to revisit the findings returned by the learned ARC on the basis of the same objections which already stand considered.

10. Learned counsel for the Respondent, therefore, submits that the Impugned Judgement does not suffer from any infirmity warranting interference in the exercise of revisional jurisdiction and that the present Petition, being devoid of merit, is liable to be dismissed.

ANALYSIS:

11. This Court has heard learned counsel for the parties and, with their able assistance, perused the material available on the record, including the Impugned Judgement.

12. 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, sought to be invoked by way of the present Petition, vested in this Court under the *proviso* to Section 25-B(8) of the DRC Act.

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13. The contours of the revisional jurisdiction under Section 25-B of the DRC Act are well settled. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***[7], ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***[8], and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***[9], has consistently held that the jurisdiction exercised by this 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.

14. 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.***[10], and ***Sanjeev Hiranandani v. Sunny Grover***[11].

15. 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

[7] (1998) 8 SCC 119
[8] (2014) 9 SCC 78
[9] (2022) 6 SCC 30
[10] 2024:DHC:9322
[11] 2025:DHC:11285

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> 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."

16. 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 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.

17. 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

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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.

18. At this juncture, before adverting to the facts of the present case, this Court deems it apposite to reproduce the relevant paragraphs of the Impugned Judgement which relate to the challenge laid by the Petitioner before this Court to adjudicate the present Petition in proper perspective. The same read as under:

> "**28.** The argument qua induction of a new tenant is not supported by any documentary material such as rent agreement, rent receipts, or any other cogent evidence. The allegation remains a mere assertion without particulars. Even otherwise, it is a settled principle of law that the landlord has the prerogative to choose which premises are most suitable for his requirement, and the tenant cannot compel the landlord to occupy a different portion or to adjust in some other manner. The mere fact that a portion of the property may have been let out does not, by itself, negate the bona fide requirement, particularly when the suitability of accommodation is to be assessed from the standpoint of the landlord.
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> **44.** The respondent has argued that no documentary proof has been filed by the petitioner to establish the employment of his son, such as employment records, client agreements, foreign remittance details, or any online presence. This contention is without merit. It is settled law that in proceedings under Section 14(1)(e) of the DRC Act, the landlord is not required to prove his requirement with the same rigour as in a civil trial. The bona fide requirement is to be assessed on the basis of the averments made and the overall circumstances. The petitioner has clearly pleaded that his son is engaged in digital graphic designing work from home, catering to clients in different time zones, and requires a separate room for carrying out his office work. The absence of formal documents of employment or business does not negate the requirement, particularly when no material has been placed by the respondent to disprove the same.
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> **45.** The respondent has also contended that the requirement is speculative in nature, as one of the rooms may be used as a dining room or pooja room in future after the marriage of the petitioner's

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daughter. This argument is misconceived. The requirement of a landlord cannot be termed speculative merely because it takes into account prospective future family needs. The landlord is entitled to plan for reasonable future requirements of his family. The petitioner has explained that the room is presently required for the daughter's use and may later be utilized differently depending on family circumstances. Such explanation does not render the requirement imaginary or fanciful.

46. It has also been argued that the petitioner has not specifically rebutted the grounds raised in the leave to defend. This contention is also not tenable. The record reflects that the petitioner has categorically denied the allegations and has explained his requirement in detail, including the need for separate rooms for his son, daughter-in-law, daughter, and for other purposes such as home office, guest accommodation and pooja space. The petitioner has also relied upon photographs (Annexure P-5) to demonstrate the congested nature of the existing room. The respondent has not been able to refute these averments by any substantive material.

47. The plea of artificial scarcity is also without substance. Even if it is assumed that some portion was let out, it is settled law that the landlord is the best judge of his requirement and cannot be compelled to utilize a particular portion or to organize his affairs in a manner suggested by the tenant. The Rent Controller or the tenant can not sit in the armchair of landlord and decide on his behalf as to which of the accommodation is to be utilized in what manner.

48. The explanation furnished by the petitioner regarding the professional requirements of his son, including working during night hours due to foreign clients and the consequent inconvenience caused in a shared space, appears plausible and has not been effectively rebutted. Similarly, the requirement of a separate guest room for visiting relatives and in-laws cannot be said to be unreasonable.

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54. In the present case the respondent has not been able to show how the need of petitioner is not genuine and bonafide and has also failed to show any reasonable alternative suitable accommodation, hence in such circumstances second and third ingredient of sec 14(1)(e) DRC are also fulfilled by petitioner."

(Emphasis supplied)

19. Adverting to the facts of the present case, the challenge, as noticed hereinabove, is confined to three aspects of the *bona fide* requirement pleaded by the Respondent. Each of these grounds shall, therefore, be examined within the limited contours of the revisional

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jurisdiction exercisable by this Court in the ensuing discussion.

20. The first objection raised by the Petitioner concerns the absence of documentary material establishing the professional engagement of the Respondent's son. The submission proceeds on the premise that, in the absence of employment records, client agreements, details of foreign remittances or other documentary evidence, the asserted requirement of a separate room to be utilised as a home office remains unsubstantiated.

21. This Court finds no merit in the aforesaid contention. As noticed by the learned ARC in Paragraph No. 44 of the Impugned Judgement, the Respondent had specifically pleaded that his son is engaged in digital graphic designing work from home, catering to clients situated in different time zones, and consequently requires a separate space to carry out his professional activities. The learned ARC has also taken note of the explanation that the son's work during night hours causes inconvenience when undertaken in a shared living space.

22. The absence of formal documentary evidence of employment or business, by itself, does not render the pleaded requirement inherently implausible. The question before the learned ARC was not whether the Respondent's son had established his professional engagement in the manner required in a civil trial, but whether the material placed before it disclosed a bona fide requirement warranting consideration under Section 14(1)(e) of the DRC Act. The learned ARC considered the specific averments made in the Eviction Petition, the explanation furnished by the Respondent and the material relied upon to demonstrate the congested nature of the existing accommodation.

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Upon such consideration, it accepted the requirement as genuine and plausible.

23. The Petitioner's objection, in substance, invites this Court to draw an adverse inference solely from the absence of formal documentary proof, notwithstanding the explanation recorded and accepted by the learned ARC. The Petitioner has not produced any material to rebut the son's *bona fide* requirement. The Petitioner seeks that the Respondent place on record material to substantiate the same. The law requires that a rebuttal or denial by a tenant would require more than mere assertions and pleadings with some material to substantiate the same to prima facie lend some credence to the objections. In the absence of any material demonstrating that the finding returned by the learned ARC is perverse, founded upon an erroneous premise, or arrived at by disregarding a material circumstance, this Court finds no justification to interfere with the same in the exercise of its limited revisional jurisdiction.

24. The second objection concerns the requirement of a separate room for the Respondent's 22-year-old daughter. Learned counsel for the Petitioner contends that, since provision for her stay has already been made in the existing accommodation, the requirement projected by the Respondent does not disclose any genuine inadequacy in the accommodation presently available to the family.

25. This contention, too, does not warrant interference. The learned ARC has dealt with the objection in Paragraph No. 45 of the Impugned Judgement, observing that the Respondent had explained the present requirement of a room for his daughter and its possible utilisation for other purposes, including as a dining or pooja room,

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depending upon the family's future circumstances. The learned ARC found that the contemplation of such prospective use did not, by itself, render the requirement speculative or imaginary.

26. The mere assertion that the existing accommodation makes some provision for the daughter's stay does not, without more, establish that the requirement of a separate room is not *bona fide*. The assessment of residential requirement necessarily involves consideration of the family's circumstances and its reasonable need for accommodation. The Petitioner's disagreement with the manner in which the Respondent proposes to organise the available space cannot, in itself, displace the finding returned by the learned ARC. No manifest illegality or perversity in the aforesaid finding has been demonstrated so as to warrant interference. Furthermore, the law does not require that the need as espoused has to be in praesenti and legitimate and reasonable prospective uses can always form a valid basis. Furthermore, the law does not require that the landlord cannot assert a need till such a need actually presents itself, especially in view of the practical considerations in respect of eviction proceedings.

27. The third and final objection concerns the letting out of the Second Floor of Property No. R-111, situated a floor above the Subject Premises, shortly before the institution of the Eviction Petition. According to the Petitioner, the Respondent's decision to let out another portion of the same building, in close proximity to the institution of the Eviction Petition, is inconsistent with the assertion that the accommodation available to the family is insufficient and, at the very least, raises a triable issue.

28. The learned ARC dealt with this objection in Paragraph No. 28

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of the Impugned Judgement, observing that the letting out of a portion of the property does not, by itself, negate a landlord's *bona fide* requirement. The learned ARC further observed that the suitability of accommodation has to be assessed from the standpoint of the landlord and that the tenant cannot dictate the manner in which the landlord ought to utilise the available premises.

29. This Court is conscious that the Petitioner has specifically relied upon a Rent Agreement in support of the aforesaid objection. Accordingly, the challenge cannot be disregarded merely by reiterating the observation of the learned ARC that no documentary material was produced. The material question is whether the circumstance relied upon by the Petitioner, even when considered in the context of the other findings recorded in the Impugned Judgement, is sufficient to warrant interference with the rejection of the Application seeking Leave to Defend.

30. In this regard, the mere fact that another portion of the building was let out shortly before the institution of the Eviction Petition cannot, in isolation, be treated as conclusive proof that the requirement pleaded by the Respondent is not *bona fide*. The circumstance of letting must be considered in the context of the requirement actually pleaded and the suitability of the accommodation in question. The existence of another tenanted portion does not, without a corresponding basis to establish its availability and suitability for the requirement pleaded, necessarily displace the Respondent's claim to require the Subject Premises for his family.

31. The Petitioner's contention, as advanced before this Court, is founded principally upon the proximity between the letting of the

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Second Floor and the institution of the Eviction Petition. However, the circumstance of such proximity, by itself, does not establish that the Respondent's stated requirement is a mere pretext. The learned ARC has, in the Impugned Judgement, considered the Respondent's pleaded requirements, including the need for separate accommodation for his son and daughter-in-law, a room for his daughter and a separate space for the son's professional activities. The findings in this regard have not been shown to suffer from such infirmity as would justify their displacement in the exercise of revisional jurisdiction.

32. This Court is, therefore, unable to accept that the circumstance relied upon by the Petitioner, considered in the manner urged, necessarily renders the Respondent's requirement *mala fide* or compels the conclusion that Leave to Defend ought to have been granted. The objection does not, in the circumstances of the present challenge, establish a ground warranting interference with the Impugned Judgement.

33. It bears reiteration that the jurisdiction of this Court under the *proviso* to Section 25-B(8) of the DRC Act is not an appellate jurisdiction enabling a fresh assessment of the *bona fide* requirement merely because a different view is sought to be urged by the Petitioner. The supervisory inquiry is directed towards the legality of the decision-making process adopted by the learned ARC. Having examined the three grounds raised by the Petitioner, this Court finds no sufficient basis to conclude that the learned ARC's findings suffer from a manifest illegality, perversity or an error apparent on the face of the record warranting revisional interference.

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DECISION:

34. Accordingly, this Court finds no sufficient basis to conclude that the learned ARC's findings, taken as a whole, warrant any interference.

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

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

HARISH VAIDYANATHAN SHANKAR, J.

OCTOBER 14, 2026/v/DJ

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