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

% ***Judgment reserved on: 03.11.2026***
Judgment pronounced on: 18.11.2026

CNR No. DLHC010640422025

\+ RC.REV. 270/2025, CM APPL. 55323/2025 (Stay), CM APPL. 903/2026 (For stay of warrant of possession) & CM APPL. 904/2026 (Ex. From filing certified copies of order dt. 02.09.2025 & 23.12.2025)

SURESH KUMAR .....Petitioner
Through: Mr. Amit Vohra, Advocate.

versus

S. ESVINDER SINGII .....Respondent
Through: Mr. Sandeep Sharma, Senior Advocate with Mr. Jatin Sharma, Advocate.

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Revision Petition has been preferred by the Petitioner, under the *proviso* to Section 25-B(8) of the **Delhi Rent Control Act, 1958**[1], assailing the **Judgment dated 24.03.2025**[2] passed by the **learned Additional Rent Controller-01, Central District, Tis Hazari Courts, Delhi**[3], in RC ARC No. 79340/2016 (Old No. 479340/2016), titled *"S. Esvinder Singh & Anr. v. Suresh*

[1]DRC Act
[2]Impugned Judgment
[3]Learned ARC

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Kumar (Deceased) Through LRs", whereby the Eviction Petition preferred by the Respondents herein, under Section 14(1)(e) read with Section 25-B of the DRC Act, has been allowed in respect of the tenanted premises.

BRIEF FACTS:

2. The Respondents herein, claiming themselves to be the owners and landlords of property bearing Municipal No. 1584/31, Abdul Rehman Road, Nai Wala, Karol Bagh, New Delhi, instituted an Eviction Petition under Section 14(1)(e) read with Section 25-B of the DRC Act, seeking eviction of the predecessor-in-interest of the present Petitioner, namely, Late Sh. Suresh Kumar, from a **commercial shop situated at property bearing No. 1584/31, Abdul Rehman Road, Nai Wala, Karol Bagh, New Delhi - 110005, admeasuring approximately 14.36 square yards (9'3" × 13'9")**[4].

3. The case set up by the Respondents before the learned ARC was that their predecessor-in-interest had inducted M/s Pradeep Automobiles, a partnership concern, as a tenant in the Subject Premises at a monthly rent of Rs. 80/-. It was further their case that, upon the dissolution of the said partnership concern, the tenancy devolved upon Late Sh. Suresh Kumar, who continued to carry on business from the subject premises. The Respondents claimed to have acquired the property in question in the year 2003 from the erstwhile owners, i.e., the legal heirs of Late Sh. Kasturi Lal Puri, by virtue of a registered Agreement to Sell dated 21.05.2003, save and except the 10% undivided share stated to have been retained by Sh. Kailash Chandra Puri.

[4] Subject Premises

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4. The principal ground urged by the Respondents in support of their Eviction Petition was that they *bona fide* required the Subject Premises for the expansion of their commercial activities. It was contended that their business had witnessed substantial growth over the years, necessitating additional space for the storage of goods and for carrying out their day-to-day business operations. According to the Respondents, the accommodation available with them was insufficient to cater to their expanding business requirements, and the Subject Premises, being situated in the same property, were therefore required *bona fide* for the aforesaid purpose. In support of their case, the Respondents also placed on record a site plan depicting the Subject Premises and the portions of the property stated to be in their occupation.

5. The Eviction Petition was contested by Late Sh. Suresh Kumar, who disputed the Respondents' claim and sought leave to defend the Eviction Petition. The learned ARC, *vide* Order dated 23.02.2013, allowed the Application seeking leave to defend, upon finding that triable issues arose for consideration. Thereafter, the Petitioner filed a detailed Written Statement, to which the Respondents filed their Replication, and the matter proceeded to trial.

6. During the course of trial, the parties led their respective evidence. The Respondents examined Sh. S. Esvinder Singh as PW-1 in support of their case, whereas the Petitioner examined Sh. Sahil Valecha as RW-1 and Sh. Hukum Chand Valecha as RW-2. Besides the aforesaid witnesses, other witnesses were also examined by the parties in support of their respective cases. The witnesses were duly subjected to cross-examination, and documentary evidence was also placed on record by both sides.

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7. Upon conclusion of the evidence and hearing the final submissions advanced on behalf of the parties, the learned ARC *vide* the Impugned Judgment dated 24.03.2025allowed the Eviction Petition and directed eviction of the Petitioner from the Subject Premises. Aggrieved thereby, the Petitioner has approached this Court by way of the present Revision Petition.

SUBMISSIONS ON BEHALF OF THE PARTIES:

8. Learned counsel appearing on behalf of the Petitioner submits that the Impugned Judgment suffers from a material error inasmuch as the learned ARC has failed to appreciate the misrepresentation made by the Respondents with regard to the actual nature and configuration of the property in question. It is contended that the Respondents, in order to establish their alleged *bona fide* requirement for additional accommodation for expansion of their business, deliberately projected an artificial scarcity of space by placing on record an incorrect site plan. In the said site plan, the portions of the property in their occupation have been depicted as comprising separate rooms, a kitchen, a tin shed and a bathroom, whereas the Respondents' own testimony during cross-examination materially contradicts such depiction.

9. Learned counsel draws the attention of this Court to the cross-examination of PW-1, wherein the witness, while deposing on behalf of the Respondents, stated that the premises constituted a single hall without any partition and further expressed his lack of knowledge regarding the existence of separate rooms and a kitchen in the property, as depicted in the site plan. It is, thus, contended that these admissions go to the root of the Respondents' assertion regarding the inadequacy of the accommodation available with them and the

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consequent necessity for seeking eviction of the Petitioner from the Subject Premises.

10. According to learned counsel, the aforesaid discrepancy was not a mere technical irregularity in the site plan, but a material circumstance bearing directly upon the genuineness of the alleged requirement and the question of artificial scarcity of accommodation. It is further submitted that the learned ARC has failed to appropriately consider the aforesaid admissions and their effect upon the Respondents' case before proceeding to allow the Eviction Petition.

11. ***Per contra***, learned counsel appearing on behalf of the Respondents submits that the challenge raised by the Petitioner with respect to the site plan is misconceived. It is contended that a site plan is merely a supporting document and that the absence of, or any discrepancy in, the same would not, by itself, be sufficient to non-suit a landlord in an Eviction Petition.

12. In this regard, reliance has been placed upon the decisions in ***Neelam Jain v. Vandana Sachdeva & Anr.***[5] and ***Rajender Kumar Pahuja v. Anup Narain Gaur***[6]. Learned counsel further submits that the Petitioner himself had identified the portion of the property in his occupation during his cross-examination and, therefore, the identity of the Subject Premises was never in dispute. It is, accordingly, contended that the site plan was only intended to facilitate identification of the premises and could not be treated as the determinative basis for examining the Respondents' bona fide requirement. On the aforesaid basis, learned counsel seeks to sustain

[5]2025 SCC OnLine Del 5796
[6]2025 : DHC : 7617

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the findings returned by the learned ARC and opposes the present Revision Petition.

13. No other submissions were advanced on behalf of the parties.

ANALYSIS:

14. This Court has considered the submissions advanced by learned counsel for the parties and has perused the material available on record, including the pleadings, the evidence led before the learned ARC, the depositions of the witnesses as well as the Impugned Judgment.

15. At the outset, it is apposite to note that the jurisdiction exercised by this Court under the *proviso* to Section 25-B(8) of the DRC Act is revisional in nature and is distinct from the appellate jurisdiction. The scope of interference is confined to examining the legality and propriety of the order passed by the learned ARC. However, where the impugned order suffers from a material irregularity in the appreciation of evidence, or where material evidence bearing upon the controversy has been overlooked, this Court would be justified in exercising its revisional jurisdiction.

16. The Hon'ble Supreme Court, in ***Abid-ul-Islam v. Inder Sain Dua***[7], has held that the High Court, while exercising revisional jurisdiction under the aforesaid provision, is required to examine the decision-making process adopted by the learned Rent Controller and is not expected to substitute or supplant its own view for that of the trial Court. The scope of interference is, therefore, restrictive and is attracted only where the impugned order suffers from an error apparent on the face of the record or an infirmity warranting

[7](2022) 6 SCC 30

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supervisory correction. The relevant observations of the Hon'ble Supreme Court in aforesaid Judgment 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."

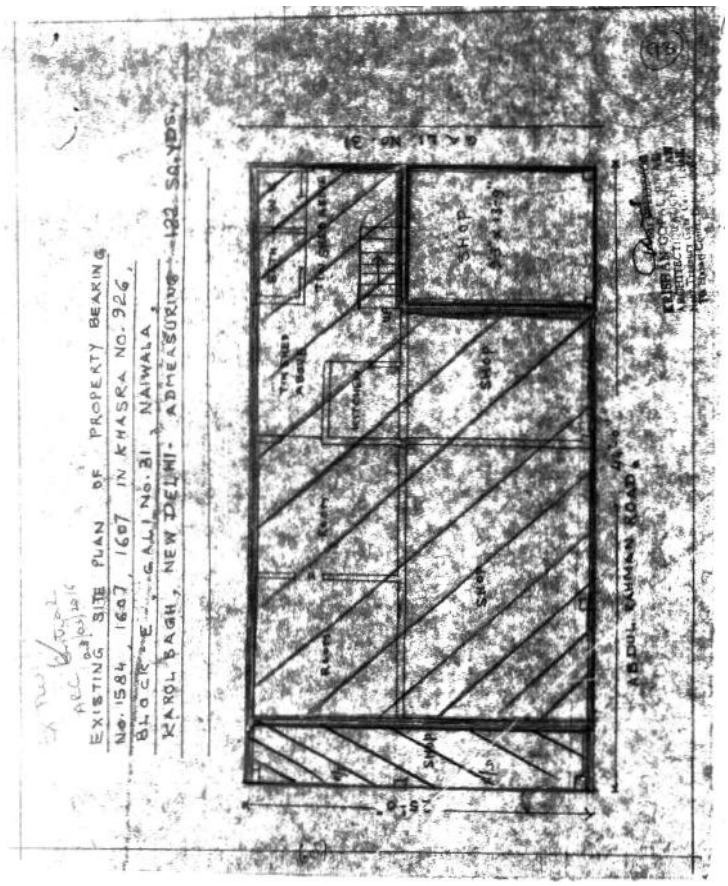
17. Having regard to the submissions advanced before this Court, it is made clear that the controversy requiring consideration in the present Revision Petition is confined to the Respondents' assertion of *bona fide* requirement for additional accommodation for expansion of their business, particularly in the context of the site plan placed on record and the statements made by Respondent No. 1 during his cross-examination.

18. The grievance of the Petitioner, in essence, is that the Respondents projected an incorrect description of the accommodation available with them, thereby creating an artificial scarcity of space, whereas their own witness made material admissions during cross-examination which were inconsistent with the depiction in the site plan. It is in this limited factual and evidentiary context that the Impugned Judgment is required to be examined.

19. In order to appreciate the aforesaid controversy, it would be necessary to advert to the site plan placed on record by the

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Respondents in support of their Eviction Petition, which is reproduced hereinbelow:



20. A perusal thereof reveals that the portions of the property stated to be in the occupation of the Respondents have been depicted as comprising separate rooms and a kitchen, apart from other portions. The said depiction assumes significance in view of the Respondents' case that the accommodation already available with them was insufficient for carrying out their expanding commercial activities and that they consequently required the subject premises for additional space. Thus, the nature and extent of the accommodation already available with the Respondents constituted a relevant circumstance for examining the genuineness of their asserted requirement.

21. More importantly, the aforesaid depiction in the site plan was required to be examined in conjunction with the testimony of

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Respondent No. 1, Sh. S. Esvinder Singh (PW-1). A perusal of his cross-examination reveals that the witness was specifically confronted with the site plan and its depiction of the property. In response thereto, PW-1 stated that he had seen the document but could not say whether the same correctly represented the plan of his property. He further expressed his inability to affirm whether the description of the tenanted premises and the portions behind the shop, comprising two rooms and a kitchen, as depicted in the site plan, was correct. Significantly, the witness went on to state that there was no room or kitchen in the property in his occupation and that the same constituted a single hall without any partition. He also expressed his lack of knowledge regarding the preparation of the site plan. The relevant portion of the cross-examination is reproduced hereinbelow:

> "I am using the premises no. 1584/31 and 1583/31, Abdul Rehman Road, Naiwala, Karol Bagh, Delhi as a single hall without any partition. I do not know, if a site plan of the property in question was prepared before filing of present case. I do not know who has prepared the site plan Ex. PW-1/1. I have seen this document and cannot say if this site plan is that of my property. I cannot say if in the site plan gives a description of the tenanted premises as comprising of two rooms and one kitchen behind the shop. It is correct that there is no room and kitchen in the suit property in my occupation. It is a single hall."

22. The aforesaid deposition assumes considerable significance when examined in the backdrop of the Respondents' own case regarding the inadequacy of the accommodation available with them. The issue was not confined to the mere correctness of the dimensions or boundaries of the tenanted premises, but extended to the very nature and configuration of the accommodation which the Respondents claimed to be occupying. The distinction is material. While the identification of the tenanted portion may establish the identity of the premises from which eviction is sought, it does not, by

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itself, resolve the controversy concerning the nature and extent of the remaining accommodation available with the landlords. The latter aspect bears directly upon the plea that the existing accommodation is insufficient and that additional space is genuinely required for expansion of business.

23. Learned counsel for the Respondents has sought to counter the contention of the Petitioner by submitting that the Petitioner himself identified the tenanted portion during his cross-examination and, therefore, no prejudice can be said to have been caused on account of any alleged discrepancy in the site plan. However, the aforesaid submission, in the considered opinion of this Court, does not address the precise controversy arising in the present case.

24. The identification of the portion occupied by the Petitioner cannot, by any stretch, be construed as an admission regarding the correctness of the entire site plan or the nature and configuration of the remaining portions of the property. The controversy is not merely whether the subject premises have been correctly identified, but whether the accommodation depicted as being available with the Respondents actually corresponds to the description set out in the site plan. These are two distinct aspects and cannot be conflated. Consequently, the fact that the Petitioner identified the portion in his occupation does not, by itself, resolve the material discrepancy emerging from the testimony of PW-1.

25. This Court is conscious of the settled legal position that a site plan is essentially a supporting document and that the mere absence of a site plan, or an inconsequential discrepancy therein, would not *ipso facto* defeat an eviction petition. However, the aforesaid proposition cannot be extended to mean that the contents of a site plan, once

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placed on record, or the testimony of the landlord concerning the accommodation available with him, can be disregarded altogether. The relevance of a site plan has to be examined in the context of the controversy arising in a particular case. Where the landlord seeks eviction on the premise that the accommodation already available with him is insufficient for his business requirements, the nature and extent of such accommodation constitute relevant considerations. Therefore, even if the site plan is not treated as an indispensable document for maintaining an eviction petition, the material discrepancy between its depiction and the landlord's own testimony cannot be brushed aside as inconsequential.

26. In this regard, the reliance placed by learned counsel for the Respondents upon the decision in ***Neelam Jain****(supra)*also requires consideration. The aforesaid decision reiterates the principle that where a tenant disputes the correctness of the site plan filed by the landlord, the tenant is ordinarily expected to place on record an alternative site plan to demonstrate the alleged discrepancy. However, the factual context in which the said principle was applied is materially distinguishable from the controversy arising in the present case. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> "**19.** Furthermore, Mr. Sindhwani argues, that the learned Rent Controller has also taken the view that the petitioner had failed to produce a site-plan in evidence, to describe the exact extent of possession of respondent No. 1 with respect to the subject premises. This has been recorded in the following extract of the impugned judgment:
>
> > *"21. Besides, no site plan has been brought in evidence on behalf of petitioner to describe the exact extent of possession of the respondent no. 1 with respect to the tenanted premises.*"
>
> **20.** Mr. Sindhwani submits however, that the site-plan was duly filed by the petitioner at Serial No. 2 of Index dated 01.04.2013

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before the learned Rent Controller. Learned senior counsel submits, that the site-plan, a copy of which has been appended as Annexure P-5 to the revision petition, was however not exhibited in the course of deposition on behalf of the petitioner, which however cannot be fatal to the petitioner's case, inasmuch as no alternate site-plan was filed by respondent No. 1 nor did respondent No. 1 dispute the correctness of the site-plan filed by the petitioner.

21. In this behalf, Mr. Sindhwani has placed reliance on the following judgments passed by Co-ordinate Benches of this court:

Amrit Lal v. *Jagpal Singh Verma*[8]

*"9. Learned Additional Rent Controller has also taken the view that as the site plan was not filed, the petitioner failed to prove the accommodation in his occupation. In this regard it is notable that it is not at all the requirement of law that site plan must be filed if the accommodation could be clearly made out otherwise. (See (1988) 35 DLT 211***K.B. Mathur *v.* Sardar Bhagwanti Singh (Deceased) Through LRs.**) *Therefore this could not be a ground to say that the petitioner did not bona fide require the premises.*"

(emphasis supplied)

Harminder Singh Koghar v. *Ramnath Exports Private Ltd.*[9]

"15. However learned ARC failed to notice that the issue of site plan is dispelled by the fact that though the respondents challenged the veracity of the site plan, however they did not show how the site plan filed by Harminder Singh Koghar was not correct and filed no counter site plan. The entire cross-examination of Harminder Singh Koghar by the learned counsel for the respondents was to show that he had no personal knowledge of the exact rooms available in the suit property. Even though Harminder Koghar may not have visited the suit property personally, it is well settled that to challenge the veracity of the site plan filed by the landlord, the tenant must file a counter site plan and the tenant cannot just get away by stating that the site plan filed by the landlord was incorrect. (see V.S. Sachdeva *v.* M.L. Grover *(1997) 67 DLT 737 and* Krishan Kumar Gupta *v.* Swadesh Bhushan Gupta *(2008) 152 DLT 556). Further in* Rishal Singh *v.* Bohat Ram *(2014) 144 DRJ 633 it was held:*

> *"11. ...Apropos the contention that the site plan filed by the landlord is incorrect as it fails to disclose two shops lying vacant in the*

[8] 1996 SCC OnLine Del 509
[9] 2015 SCC OnLine Del 11597

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> *same area, it is without merit as the tenant has not filed any site plan to show the inconsistency. It is well settled law that when the tenant contents 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 of the site plan filed by the landlord. Without such site plan being filed, mere contentions raised to this effect will be considered meritless.'"*
>
> (emphasis supplied)
>
> *****
>
> **29.**Moreover, the observation by the learned Rent Controller that the petitioner had failed to prove the site-plan in evidence is also inconsequential, inasmuch as a site-plan had been filed by the petitioner under cover of Index dated 01.04.2013; and though the respondents had objected to the correctness of the site-plan, they had failed to adduce any alternate site-plan, which objection was therefore irrelevant in view of the decisions in *Amrit Lal* and *Harminder Singh Koghar* referred-to above.
>
> **30.** In light of the above, this court is of the view, that having correctly drawn the inferences as referred-to above, the learned Rent Controller was completely remiss in then proceeding to dismiss the petitioner's eviction petition, despite what had come on record in the course of the proceedings before him."

27. In ***Neelam Jain*** (supra), the Court noticed, *inter alia*, that the contesting respondent had neither challenged the site plan before the learned Rent Controller nor led any evidence in support of such challenge. The objection regarding the site plan had, in fact, been raised by another respondent, who had subsequently settled the matter with the landlord. The Court, in the aforesaid circumstances, found no basis to discredit the site plan relied upon by the landlord. In the present case, however, the challenge is not founded merely upon a bald assertion by the Petitioner regarding the incorrectness of the site plan. Rather, the Petitioner relies upon the statements elicited from PW-1 himself during cross-examination, wherein the witness expressed his inability to affirm the correctness of the site plan and

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made specific statements regarding the absence of separate rooms and a kitchen in the property in his occupation. Thus, the controversy in the present case arises from the Respondents' own evidence and not merely from an unsubstantiated objection raised by the tenant. Consequently, the principle laid down in ***Neelam Jain***(supra), though not disputed, does not conclude the controversy arising in the present proceedings.

28. Similarly, the reliance placed upon ***Rajender Kumar Pahuja****(supra)*, does not advance the case of the Respondents in the factual circumstances obtaining herein. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> "14. *Qua* the Site Plan filed by the respondent, interestingly, the very same petitioner has admitted the very same Site Plan in the replies filed in two other eviction petitions being E.No.46/2019 and E.No.27/2018 under *Section 14(1)(a)* and *(b)* of the Act respectively *inter se* the very same parties, which has been categorically observed by the learned ARC as well. The petitioner cannot, thus, be allowed to blow hot and cold, and plead contrary to his own earlier taken stand. Even otherwise, and as correctly pointed out by learned senior counsel for the respondent, the learned ARC has still, for the sake of arguments, proceeded to consider the contrary Site Plan(s) filed by the petitioner, and held that, keeping inview the subsequent Partition, Relinquishment and Sale Deeds, all of which were duly signed and registered, the division of possession amongst the respondent and his brother and sister was undoubted, and hence any inconsistencies, if there, were immaterial. Further, it was held that there were no material concealments in the Site Plan, since, even if the petitioner's best case is taken, some space on the first floor or the mezzanine of the leased out adjacent shop, were also held to be irrelevant for the purposes of the respondent's eviction petition based on the evidence on record. This Court does not find anything illegal/ unreasonable in the above findings of fact, and no case to interfere with the same, at this stage, is made out.
>
> 15. In any event, it must be borne in mind that the respondent was required to identify the subject premises as also give a Site Plan, but it was not incumbent upon him to give the exact Site Plan under such circumstances. Once it was established that the respondent was the landlord of the subject premises, of which he was admittedly not in possession, the issue of minor consistencies

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> in the Site Plan, if any, fades into insignificance. More so, as held in ***Shakuntala Devi v. Mohan Das***[10], even the non-filing of site plan may not be fatal to the case of a landlord, depending on the facts and circumstances of the case.
> 16. Therefore, the said issue *qua* the Site Plan filed by the respondent is discarded."

29. In the said decision, while examining the challenge to the site plan, this Court noticed that the tenant himself had admitted the very same site plan in replies filed in other eviction proceedings between the parties. The Court further took note of the subsequent registered Partition Deed, Relinquishment Deed and Sale Deeds, which sufficiently explained the division of possession amongst the concerned parties. It was in the aforesaid factual backdrop that the alleged inconsistencies in the site plan were held to be immaterial. The Court also reiterated that a landlord is required to identify the subject premises and furnish a site plan, but is not necessarily required to establish the exact site plan in every circumstance. The aforesaid observations, however, cannot be read in isolation or divorced from the factual circumstances in which they were made.

30. In the present case, the Petitioner has not merely disputed the site plan in the abstract; the challenge is founded upon the Respondents' own witness being unable to affirm its correctness and making statements which materially bear upon the actual configuration of the property. Further, the identification of the tenanted portion by the Petitioner cannot be equated with an admission as to the correctness of the entire site plan. Thus, the controversy in the present case is qualitatively different from the one considered in ***Rajender Kumar Pahuja*** (supra), and the said decision

[10] 2024:DHC:9368

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does not obviate the necessity of examining the material admissions emerging from the testimony of PW-1.

31. It is, therefore, not the proposition that every discrepancy in a site plan would vitiate an eviction proceeding, nor is this Court laying down that a landlord must invariably establish the precise internal layout of the entire property through a site plan. The concern in the present case is substantially different. The Respondents have founded their claim for additional accommodation upon the assertion that the space already available with them is insufficient for the expansion of their business. In such circumstances, the description of the existing accommodation and the testimony of the Respondents' own witness concerning its physical configuration assume material significance.

32. The statement of PW-1 that the property in his occupation comprises a single hall without any partition, coupled with his inability to affirm the correctness of the site plan depicting separate rooms and a kitchen, was an aspect which required due consideration by the learned ARC. Equally, the fact that the Petitioner identified only the portion in his own occupation could not have been treated as resolving the aforesaid discrepancy. The two aspects required independent and cumulative appreciation.

33. At this juncture, it would be apposite to reproduce the relevant observations made by the learned ARC in the Impugned Judgment, which read as under:

> " **BONAFIDE REQUIREMENT**
>
> 23) Moving forward, in order to succeed in their petition, petitioners are required to establish their bonafide need. Petitioners have averred that the petitioners require the tenanted premises as the business of the partnership firm of the petitioners being run from the subject premises has flourished and therefore, holding of stock has also increased. *Hence, it is stated that due to the expansion of business, additional space is required for the day-to-*

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day activities of the business and since the tenanted premises are situated in the same subject premises, therefore, it is most suitable for their bonafide need. However, respondent has contended that the petitioners are in the business of purchasing and selling property. But no material in this regard has been filed on behalf of the respondent. Even otherwise, the 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. Additionally, the burden to refute the said presumption squarely lies on the tenant and mere assertion on the part of tenant is insufficient.* Further, 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.*

24) Secondly, it is contended that the present petition has been filed on the basis of false documents. Further, it is contended that the respondent has no other place for business. However, it is trite to state that the respondent cannot challenge the title documents of the landlord. In this regard, reliance is placed upon the case of *Sh. Bharat Bhushan Vs. Arti Teckchandani 2008 (153) DLT 247*. Furthermore, Hon'ble Apex Court in *Abid-ul-Islam Vs. Inder Sain Dua, (2022) 6 SCC 30*, held 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***. Therefore, the contention that respondent has no other place for business has no bearing on the merits of present case. Also, 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, a portion of Section 14 (1)(e) of DRC Act was held to be discriminatory and the remaining part thereof was held to be read as under:-

> *"that the premises are required bonafide by the landlord for himself or for any member of his family dependent on him, if he is the owner thereof; or for any person for*

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whose benefit the premises are held and that the landlord or such person has no other reasonably suitable accommodation."

25) *Thus, the contention of respondent that the tenanted premises is being used by him for commercial purpose and so the provision of Section 14 (1)(e) of DRC Act is not applicable is misconceived and is hereby rejected.* Also, the contention that five years have not lapsed from the acquisition of interest of the petitioner in the subject premises and therefore, the petition is barred by law, is also not maintainable. The present eviction petition has been instituted on 29.01.2011 whereas the petitioners had acquired interest in the subject premises on 10.04.2003 and 21.05.2003 which was subsequently rectified on 14.10.2003 vide rectification deed. *Thus, the said contention is clearly misplaced and not made out from the record.*

26) Lastly, it is contended that the need of the petitioner is not bonafide as sufficient accommodation is available with the petitioner in the subject premises itself and therefore, petitioner is keeping several rooms locked. But no such material has been produced on record to show that any room is being kept locked. Furthermore, RW-1 has admitted in his cross-examination that no new construction has been done by the petitioners in the subject premises after acquiring the same. As far as contention is concerned that petitioners had acquired portion vacated from Sohan Singh, Tapan Dass and Parmeshwar Das by erstwhile owner and merged the said portion, PW-1 has conceded that the entire subject premises except tenanted premises and portion in occupation of Kailash Chand Puri is in their occupation. However, as per the case of respondent itself, portion of Sohan Singh was acquired in 1995, from Tapan Dass in 1998 and from Parmeshwar Das in 2001 and said portion had been acquired by erstwhile owner Kailash Chand Puri. Therefore, the said portion was already available to petitioners since the time of acquisition. In the case of ***Ragavendra Kumar vs. Firm Prem Machinery AIR 2000 SC 534***, *the Hon'ble Supreme Court 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.*** It is trite to state that time is not static. With lapse of time, new needs may emerge which were not existing earlier. In the present case, PW1 has relied upon books of account to show that the sales had expanded from 31.03.2003 till the time of filing of petition. Furthermore, the Hon'ble Supreme Court and the Delhi High Court has 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 utilized by him. *The landlord is the absolute owner of his property and is the best person to decide which property is to be utilized in what way. The respondent cannot dictate as to how the landlord is to utilize his*

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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. Therefore, the courts refrain from prescribing any standard or guidelines for the landlord's choices (residential or commercial).

Reliance is placed upon the decision of the Hon'ble Delhi High Court in the case of ***Praveen & Anr. Vs. Mukul Raj & Ors. RC Rev. 417/2016*** in this regard.

Thus, mere assertion on the part of the respondent that petitioner is keeping several rooms locked is not sufficient to rebut the presumption in favour of the petitioner. Also, no counter site plan has been filed. 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) DLT 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, the aforesaid contention is devoid of merits.*

27) Hence, I find that, ***the petitioners have been able to establish their bonafide requirement for the tenanted premises***."

34. A perusal of the Impugned Judgment reveals that although the learned ARC has adverted to the rival contentions concerning the site plan and has noticed the decisions relied upon in that regard, the aforesaid material aspect emerging from the cross-examination of PW-1 has not received requisite consideration. The learned ARC was required to examine the site plan in conjunction with the testimony of the Respondents' witness and determine the effect of the statements made by him upon the Respondents' assertion regarding the inadequacy of the accommodation available with them. Merely noticing that the Petitioner had identified the tenanted premises, or proceeding on the premise that a site plan is only a supporting document, would not constitute a complete examination of the

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controversy. The material question was whether the Respondents' own evidence was consistent with the description of the accommodation upon which their plea of additional space requirement was founded. The failure to undertake such an examination has resulted in a material aspect of the evidence being left unappreciated.

35. It is apposite to reiterate that the jurisdiction exercised by this Court under the *proviso* to Section 25-B(8) of the DRC Act is supervisory in nature and is not intended to provide a second opportunity for reappreciation of the entire evidence.

36. The aforesaid principle, however, does not imply that the High Court is precluded from examining whether material evidence bearing upon the controversy has been duly considered by the Court below. In ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***[11], a Constitution Bench of the Hon'ble Supreme Court, while delineating the contours of revisional jurisdiction under the Rent Control legislations, held that a finding of fact which has been arrived at without consideration of material evidence, is based on no evidence, or proceeds on a misreading of the evidence, would not constitute a finding according to law and is amenable to correction in revision. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> "**19.** In *Shiv Sarup Gupta* [***Shiv Sarup Gupta* v. *Mahesh Chand Gupta*, (1999) 6 SCC 222**] , this Court with reference to the revisional jurisdiction of the High Court under Section 25-B(8) of the Delhi Rent Control Act, 1958, though reiterated that the High Court cannot enter into appreciation or reappreciation of evidence merely because it is inclined to take a different view of the facts as if it were a court of facts, but also held that the High Court is obliged to test the order of the Rent Controller on the touchstone of "whether it is according to law" and, for that limited purpose, may enter into reappraisal of evidence i.e. for the purpose of

[11](2014) 9 SCC 78

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ascertaining whether the conclusion arrived at by the Rent Controller is wholly unreasonable or is one that no reasonable person acting with objectivity could have reached on the material available. The Court observed that ignoring the weight of evidence, proceeding on a wrong premise of law or deriving such conclusion from the established facts as betray a lack of reason and/or objectivity would render the finding of the Controller "not according to law" calling for an interference under the proviso to sub-section (8) of Section 25-B of the Delhi Rent Control Act.

20. Again in *Ram Narain Arora* [***Ram Narain Arora* v. *Asha Rani*, (1999) 1 SCC 141**] , a two-Judge Bench with reference to revisional power under Section 25-B of the Delhi Rent Control Act, 1958 observed as follows: (SCC p. 148, para 12)

> "*12.* It is no doubt true that the scope of a revision petition under Section 25-B(8) proviso of the Delhi Rent Control Act is a very limited one, but even so in examining the legality or propriety of the proceedings before the Rent Controller, the High Court could examine the facts available in order to find out whether he had correctly or on a firm legal basis approached the matters on record to decide the case. Pure findings of fact may not be open to be interfered with, but (sic if) in a given case, the finding of fact is given on a wrong premise of law, certainly it would be open to the Revisional Court to interfere with such a matter. In this case, the Rent Controller proceeded to analyse the matter that non-disclosure of a particular information was fatal and, therefore, dismissed the claim made by the landlord. It is in these circumstances that it became necessary for the High Court to re-examine the matter and then decide the entire question. We do not think that any of the decisions referred to by the learned counsel decides the question of the same nature with which we are concerned. Therefore, detailed reference to them is not required."

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28. Before we consider the matter further to find out the scope and extent of revisional jurisdiction under the above three Rent Control Acts, a quick observation about the "appellate jurisdiction" and "revisional jurisdiction" is necessary. Conceptually, revisional jurisdiction is a part of appellate jurisdiction but it is not vice versa. Both, appellate jurisdiction and revisional jurisdiction are creatures of statutes. No party to the proceeding has an inherent right of appeal or revision. An appeal is continuation of suit or original proceeding, as the case may be. The power of the appellate court is coextensive with that of the trial court. Ordinarily, appellate jurisdiction involves rehearing on facts and law but such jurisdiction may be limited by the statute itself that provides for the appellate jurisdiction. On the other hand, revisional jurisdiction, though, is a part of appellate jurisdiction but ordinarily it cannot be

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equated with that of a full-fledged appeal. In other words, revision is not continuation of suit or of original proceeding. When the aid of Revisional Court is invoked on the revisional side, it can interfere within the permissible parameters provided in the statute. It goes without saying that if a revision is provided against an order passed by the Tribunal/appellate authority, the decision of the Revisional Court is the operative decision in law. In our view, as regards the extent of appellate or revisional jurisdiction, much would, however, depend on the language employed by the statute conferring appellate jurisdiction and revisional jurisdiction.

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31. We are in full agreement with the view expressed in *Sri Raja Lakshmi Dyeing Works* [***Sri Raja Lakshmi Dyeing Works* v. *Rangaswamy Chettiar*, (1980) 4 SCC 259**] that where both expressions "appeal" and "revision" are employed in a statute, obviously, the expression "revision" is meant to convey the idea of a much narrower jurisdiction than that conveyed by the expression "appeal". The use of two expressions "appeal" and "revision" when used in one statute conferring appellate power and revisional power, we think, is not without purpose and significance. Ordinarily, appellate jurisdiction involves a rehearing while it is not so in the case of revisional jurisdiction when the same statute provides the remedy by way of an "appeal" and so also of a "revision". If that were so, the revisional power would become coextensive with that of the trial court or the subordinate tribunal which is never the case. The classic statement in *Dattonpant* [***Dattonpant Gopalvarao Devakate* v. *Vithalrao Maruthirao Janagaval*, (1975) 2 SCC 246**] that revisional power under the Rent Control Act may not be as narrow as the revisional power under Section 115 of the Code but, at the same time, it is not wide enough to make the High Court a second court of first appeal, commends to us and we approve the same. We are of the view that in the garb of revisional jurisdiction under the above three rent control statutes, the High Court is not conferred a status of second court of first appeal and the High Court should not enlarge the scope of revisional jurisdiction to that extent.

32. Insofar as the three-Judge Bench decision of this Court in *Ram Dass* [***Ram Dass* v. *Ishwar Chander*, (1988) 3 SCC 131**] is concerned, it rightly observes that revisional power is subject to well-known limitations inherent in all the revisional jurisdictions and the matter essentially turns on the language of the statute investing the jurisdiction. We do not think that there can ever be objection to the above statement. The controversy centres round the following observation in *Ram Dass* [***Ram Dass* v. *Ishwar Chander*, (1988) 3 SCC 131**] , "*... that jurisdiction enables the court of revision, in appropriate cases, to examine the correctness of the findings of facts also*…." It is suggested that by observing so, the three-Judge Bench in *Ram Dass* [***Ram Dass* v. *Ishwar Chander*, (1988) 3 SCC 131**] has enabled the High Court to

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interfere with the findings of fact by reappreciating the evidence. We do not think that the three-Judge Bench has gone to that extent in *Ram Dass* [***Ram Dass* v. *Ishwar Chander*, (1988) 3 SCC 131**] . The observation in *Ram Dass* [***Ram Dass* v. *Ishwar Chander*, (1988) 3 SCC 131**] that as the expression used conferring revisional jurisdiction is "legality and propriety", the High Court has wider jurisdiction obviously means that the power of revision vested in the High Court in the statute is wider than the power conferred on it under Section 115 of the Code of Civil Procedure; it is not confined to the jurisdictional error alone. However, in dealing with the findings of fact, the examination of findings of fact by the High Court is limited to satisfy itself that the decision is "according to law". This is expressly stated in *Ram Dass* [***Ram Dass* v. *Ishwar Chander*, (1988) 3 SCC 131**] . Whether or not a finding of fact recorded by the subordinate court/tribunal is according to law, is required to be seen on the touchstone whether such finding of fact is based on some legal evidence or it suffers from any illegality like misreading of the evidence or overlooking and ignoring the material evidence altogether or suffers from perversity or any such illegality or such finding has resulted in gross miscarriage of justice.*Ram Dass* [***Ram Dass* v. *Ishwar Chander*, (1988) 3 SCC 131**] does not lay down as a proposition of law that the revisional power of the High Court under the Rent Control Act is as wide as that of the appellate court or the appellate authority or such power is coextensive with that of the appellate authority or that the concluded finding of fact recorded by the original authority or the appellate authority can be interfered with by the High Court by reappreciating evidence because Revisional Court/authority is not in agreement with the finding of fact recorded by the court/authority below. *Ram Dass* [***Ram Dass* v. *Ishwar Chander*, (1988) 3 SCC 131**] does not exposit that the revisional power conferred upon the High Court is as wide as an appellate power to reappraise or reassess the evidence for coming to a different finding contrary to the finding recorded by the court/authority below. Rather, it emphasises that while examining the correctness of findings of fact, the Revisional Court is not the second court of first appeal. *Ram Dass* [***Ram Dass* v. *Ishwar Chander*, (1988) 3 SCC 131**] does not cross the limits of Revisional Court as explained in *Dattonpant* [***Dattonpant Gopalvarao Devakate* v. *Vithalrao Maruthirao Janagaval*, (1975) 2 SCC 246**] .

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43. We hold, as we must, that none of the above Rent Control Acts entitles the High Court to interfere with the findings of fact recorded by the first appellate court/first appellate authority because on reappreciation of the evidence, its view is different from the court/authority below. The consideration or examination of the evidence by the High Court in revisional jurisdiction under these Acts is confined to find out that finding of facts recorded by

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> the court/authority below is according to law and does not suffer from any error of law. A finding of fact recorded by court/authority below, if perverse or has been arrived at without consideration of the material evidence or such finding is based on no evidence or misreading of the evidence or is grossly erroneous that, if allowed to stand, it would result in gross miscarriage of justice, is open to correction because it is not treated as a finding according to law. In that event, the High Court in exercise of its revisional jurisdiction under the above Rent Control Acts shall be entitled to set aside the impugned order as being not legal or proper. The High Court is entitled to satisfy itself as to the correctness or legality or propriety of any decision or order impugned before it as indicated above. However, to satisfy itself to the regularity, correctness, legality or propriety of the impugned decision or the order, the High Court shall not exercise its power as an appellate power to reappreciate or reassess the evidence for coming to a different finding on facts. Revisional power is not and cannot be equated with the power of reconsideration of all questions of fact as a court of first appeal. Where the High Court is required to be satisfied that the decision is according to law, it may examine whether the order impugned before it suffers from procedural illegality or irregularity.”

37. The aforesaid principle was also reiterated in ***Mohd. Inam v. Sanjay Kumar Singhal***[12], wherein the Hon'ble Supreme Court recognised that omission to consider relevant and clinching evidence, or a finding founded upon misreading or ignorance of the evidence on record, may constitute a material irregularity warranting interference in revisional jurisdiction. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> “**26.** It can thus be seen, that the Constitution Bench in *Dilbahar Singh case* [***Hindustan Petroleum Corpn. Ltd.* v. *Dilbahar Singh*, (2014) 9 SCC 78 : (2014) 4 SCC (Civ) 723**] has settled the position, that the revisional power does not entitle the High Court to interfere with the finding of the fact recorded by the first appellate court/first appellate authority because on reappreciation of the evidence, its view is different from the court/authority below. The consideration or examination of the evidence is confined to find out as to whether the finding of facts recorded by the court/authority below is according to law and does not suffer from any error of law. It has been held, that a finding of fact recorded by court/authority below, if perverse or has been arrived at without consideration of the material evidence or such finding is

[12](2020) 7 SCC 327

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> based on no evidence or misreading of the evidence or is grossly erroneous that, if allowed to stand, it would result in gross miscarriage of justice, in such a case, it is open to correction because it is not treated as a finding according to law.
>
> **27.** No doubt, that the observations in the aforesaid cases deal with the revisional powers to be exercised by the High Court under the special statute. This Court has observed, that in examining the legality and the propriety of the order under challenge in revision, what is required to be seen by the High Court, is whether it is in violation of any statutory provision or a binding precedent or suffers from misreading of the evidence or omission to consider relevant clinching evidence or where the inference drawn from the facts proved is such that no reasonable person could arrive at or the like. It has been held, that if such a finding is allowed to stand, it would be gross miscarriage of justice and is open to correction because it is not to be treated as a finding according to law."

38. The aforesaid authorities, therefore, make it clear that while this Court cannot undertake a wholesale reassessment of the evidence, it is nevertheless competent to examine whether the material evidence bearing upon the controversy has been duly considered and appreciated by the learned ARC.

39. The aforesaid principles find further support from the decision of this Court in ***Sh. Tek Chand (Deceased) Through LRs v. Smt. Meenakshi Gupta & Anr***[13]. In the said case, the tenant had challenged the genuineness of the landlady's *bona fide* requirement on the ground that she had projected an artificial scarcity of accommodation and had made contradictory statements regarding the availability and occupation of an adjoining premises. The tenant had specifically relied upon the documentary evidence as well as the cross-examination of the landlady, which, according to him, disclosed material inconsistencies concerning the actual occupation and letting out of the adjoining premises. Finding that material considerations had been left out while adjudicating the issue of *bona fide* requirement, this Court

[13] 2025 SCC OnLine Del 6417

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set aside the impugned Judgment and remanded the matter to the learned ARC for fresh consideration on the basis of the material already available on record. The aforesaid decision is particularly relevant to the controversy arising in the present case, inasmuch as the challenge herein also emanates from the failure to appropriately examine material evidence bearing upon the genuineness of the alleged *bona fide* requirement and the plea of artificial scarcity of accommodation. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> "**21.**A bare perusal of the impugned judgment reveals that all throughout the learned ARC has proceeded entirely on the presumption of *bona fide* requirement on part of the landlady, as well as the genuineness and honesty thereof, placing the burden squarely on the tenant to dispute the same. Despite holding in the impugned judgment that "…*once the matter is put to trial, every fact* ***needs to be proved*** *on the basis of evidence…*", the learned ARC has contrarily observed that "…*the Court* ***must presume*** *the bona fide requirement of the landlord…*", and rendered his findings *qua* the same without any appreciation of the defense raised by the tenant and the evidence adduced by him, insofar as the documents exhibited as well as the detailed cross-examination have not been adverted to *in toto* while concluding that the *bone fide requirement* has been sufficiently made out by the landlady.
>
> **22.**While the landlady was/is the best judge of her needs, it is also well-settled that in order to avail the benefit under *Section 14(1)(e)* of the Act, the requirement urged by the landlady, in order to qualify as *bona fide*, must be proven to be a real requirement and not a mere wish or a fanciful desire, as also must be genuine, honest, sincere and devoid of deceit and falsehood, for which reliance has correctly been placed on the decisions of the Hon'ble Supreme Court in ***Sarvate T.B.*** (supra), ***Mattulal*** (supra) and ***Shiv Sarup*** (supra) by Mr. Ajay Kohli, learned counsel for the tenant. In fact, reference may further be made to the law laid down by the Hon'ble Supreme Court in ***Dattatraya Laxman Kamble* v. *Abdul Rasul Moulali Kotkunde***[14] wherein it has been categorically held that the Act itself places the burden on the landlord to show that he has a *bona fide* requirement which can only be satisfied through the subject premises, and should the Court feel any doubt *qua* the genuineness of the same, it is for the landlord to clear all such doubts.

[14] (1999) 4 SCC 1

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23. In the facts and circumstances of the present case, whence the onus was upon the landlady in light of the letting out of the adjacent premises, and there was a doubt on the *bone fide* requirement by her, especially whence the application for leave to defend of the tenant was allowed by the learned ARC *vide* order dated 21.01.2020, as also whence it was the consistent case of the tenant at every single stage until trial that the falsehood in the eviction petition negated the *bona fides* of the landlady, the glaring omission of adjudication thereon, and rendering of findings on *bona fide* requirement simply on a presumption in favour of the landlady without consideration of the material on record by the learned ARC was wholly perverse and impermissible in the considered opinion of this Court.

24. The only observation made *qua* the letting out of the adjacent premises by the learned ARC to the effect that the same is a "*single instance*" and the landlady has "*not let out so many properties*" is not sustainable, especially in view of the contention of Mr. Ajay Kohli, learned counsel for the tenant that the said finding is arbitrary and unsustainable in law, when the very same single instance of letting out and concealment thereof was in issue before the learned ARC.

25. The learned ARC has further erred in going beyond the contentions raised by the parties by moving on to the realm of subsequently arisen requirement, when the moot crux for adjudication before him was the truthfulness of the eviction petition and the *bona fide* of the landlady at the time of filing of the eviction petition.

26. While it is trite, as also argued by Mr. Arvind Kumar Gupta, learned counsel for the landlady and held by this Court in ***Asiya Jamil*** (supra) and ***Rajender Kumar Pahuja*** (supra), that this Court in revisional jurisdiction cannot assume the powers of a Court of appeal and substitute its views in place of those expressed by the learned ARC, however, it is also a settled position of law that acting in supervisory jurisdiction, it is incumbent upon this Court to test whether the impugned judgment/order suffers from any arbitrariness, perversity, illegality, impropriety or the like. Finding manifest errors of the said nature apparent on the face of the record, it is the bounden duty of this Court to invoke its powers under revisional jurisdiction. This Court finds ample support from the five-Judge Bench decision of the Hon'ble Supreme Court in ***Hindustan Petroleum Corporation Limited*** **v.** ***Dilbahar Singh***[15] highlighting the conditions for interference by this Court in exercise of revisional jurisdiction.

27. Thus, considering the afore-going analysis, and especially in light of non-appreciation of evidence adduced by both sides as well as misapplication of law in the impugned judgment by the learned ARC, this Court is of the view that the present is a fit case for

[15](2014) 9 SCC 78

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> interference in exercise of revisional jurisdiction under *Section 25B(8)* of the Act. So much so, since the root of the dispute has been circumvented by way of the impugned judgment, and material considerations have been left out while rendering findings on triable issues, the impugned judgment cannot be said to have been passed in accordance with law and allowing the same to stand would result in a gross miscarriage of justice.
>
> **28.** Accordingly, the present petition is allowed and the impugned judgment dated 07.05.2024 passed by the learned ARC is set aside. The matter is remanded back to the learned ARC for fresh consideration on the aspect of *bona fide* requirement of the landlady as urged in the eviction petition filed by her, on the basis of the available material on record. In the interest of justice, the learned ARC is requested to make every endeavor for expeditious disposal of the same, latest within a period of six months from the passing of this order."

40. In view of the aforesaid discussion, this Court is of the considered opinion that the grievance raised by the Petitioner cannot be brushed aside merely by characterising the site plan as a supporting document or by observing that the Petitioner had identified the portion in his occupation. The material question requiring consideration was whether the depiction of the accommodation available with the Respondents in the site plan was consistent with the testimony of their own witness and, if not, what bearing such discrepancy would have upon the asserted requirement for additional space. The said question assumes particular significance since the Respondents' claim for eviction is founded, *inter alia*, upon the inadequacy of the accommodation already available with them for expansion of their business. The failure to undertake such an examination, in the considered opinion of this Court, amounts to non-consideration of material evidence having a direct bearing upon the controversy.

CONCLUSION:

41. In view of the foregoing, this Court is of the considered opinion that the Impugned Judgment dated 24.03.2025 suffers from a material

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infirmity warranting interference in exercise of the revisional jurisdiction of this Court. The learned ARC has failed to adequately consider the material statements made by PW-1 during his cross-examination and their bearing upon the Respondents' assertion regarding the inadequacy of the accommodation available with them. In these circumstances, the Impugned Judgment cannot be sustained in its present form and is accordingly liable to be set aside, with the matter being remitted to the learned ARC for fresh adjudication.

42. Accordingly, the present Revision Petition is allowed. The Impugned Judgment dated 24.03.2025 passed by the learned Additional Rent Controller-01, Central District, Tis Hazari Courts, Delhi, in RC ARC No. 79340/2016 (Old No. 47934/2016), is hereby set aside. The Eviction Petition is remanded to the learned ARC for ***de novo* consideration on merits, on the basis of the material already available on record**, in accordance with law.

43. It is clarified that this Court has not expressed any opinion on the merits of the rival claims, including the genuineness of the Respondents' alleged *bona fide* requirement. The learned ARC shall independently examine the pleadings, documentary evidence and oral testimony, including the relevant admissions emerging from the cross-examination of the witnesses, and thereafter return its findings in accordance with law.

44. The parties are directed to appear before the learned ARC on the date to be notified by the Registry. The learned ARC shall endeavour to dispose of the Eviction Petition expeditiously, preferably within a period of six (06) months from the date of receipt of this Judgment.

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45. The present Revision Petition, along with all pending Application(s), stands disposed of in the aforesaid terms.

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 18, 2026/ma

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