



2026:DHC:347



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

Reserved on: December 17, 2025

%

Pronounced on: January 15, 2026

+ **RC.REV. 43/2020**

MOHD AKHTAR & ORS.

...Petitioner

Through: Mr. Rajat Aneja and Mr. Utkarsh Mishra, Mr. Karan Deep Singh, Advocates.

Versus

ABDUL REHAN

....Respondent

Through: Mr. N.U. Ahmed, Mr. M.A. Jamal, Mr. Anil Kumar Yadav and Ms. Afsar Bano, Advocates.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

1. The petitioners/ landlords filed an eviction petition being ARC No.5206/2016 before the learned Additional Rent Controller, South-East District, Saket Courts, Delhi¹ against the respondent/ tenant *qua* premises bearing No.D-45, First Floor, Zakir Nagar (West), Jamia Nagar, Okhla, New Delhi-110 025² under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958³, on the ground that since they have a large family, they require the subject premises for the *bona fide* purpose of accommodating their family, and further, as the same is in a dilapidated condition, and may collapse at any moment, urgent repair work is required to be done therein. In fact, an

¹ Hereinafter '*learned ARC*'

² Hereinafter '*subject premises*'

³ Hereinafter '*the Act*'



earlier Eviction Petition filed by them *qua* the same subject premises was withdrawn. It was their case herein that the size of their family grew considerably for which the landlords did not have any *alternative accommodation*.

2. Upon being served, the tenant filed his application seeking leave to defend under *Section 25B* of the Act contending that the landlords had not made clear disclosures about the other premises available with them, specifically property No.O-405, Zakir Nagar (West), Gadhya Colony, Jamia Nagar, New Delhi⁴ consisting of ground floor and second floor, with *two flats* on each floor, as well as property No.414, Zakir Nagar (West), Jamia Nagar, New Delhi⁵ consisting of ground floor till fourth floor with *two flats* on each floor, amounting to about *ten rooms*, of which, as per tenant, *four* were lying vacant. In fact, property No.D-45 wherein the subject premises is a part⁶, as per tenant, was not in a dilapidated condition as *five* vacant rooms were not in occupation of the landlords. The landlords merely wanted to construct a multi-storeyed building therein for selling them on profit. The exact nature of the family needs of the landlords was vague, evasive and concocted.

3. In response, as per landlords, property No.405 was their current place of residence, which only had a ground floor and a first floor and was thus insufficient for their needs; and property No.414 though belonged to them comprised only ground floor to third floor with only the ground floor in their possession as the remaining floors were occupied by tenants. As such, the same was also insufficient for the familial requirements of the

⁴ Hereinafter '*property No.405*'

⁵ Hereinafter '*property No.414*'

⁶ Hereinafter '*property No.D-45*'



landlords. Lastly, though there were *five* vacant rooms in property No.D-45, they were very small, and in any event, the number of rooms required by the landlords was much greater. The combined requirement for residence of their entire family including children of the landlords, reconstruction of property No.D-45 was the only remedy available.

4. Later, the landlords brought on record an engineer's report to show that property No.D-45 was damaged and structurally unsafe.

5. Thereafter, though the application seeking leave to defend of the tenant was allowed by the learned ARC *vide* order dated 23.05.2017, however, based on the evidence led and arguments conducted by both sides, the learned ARC dismissed the Eviction Petition of the landlord *vide* judgment dated 02.09.2019⁷ holding that since the landlords were unable to substantiate reasons for not occupying the vacant rooms in property No.D-45 or for letting out of the newly constructed property No.414 though they claimed residential requirements for their large family, they failed to establish their *bona fide requirement* for seeking eviction.

6. Hence, the present revision petition by the landlord impugning the judgment dated 02.09.2019 passed by the learned ARC.

7. As per landlords, since the size of their family comprising more than *27 members* was clearly disclosed, which, was also admitted by the tenant [*RWI*] during his cross-examination, and since the *bona fide requirement* of the landlords was for residential accommodation of their family members, the Eviction Petition ought to have been allowed by the learned ARC.

8. Learned counsel for the landlords submitted that the structural report

⁷ Hereinafter '*impugned judgment*'



by a civil engineer produced by the landlords has not been considered by the learned ARC, and that too merely because the date of the photograph of property No.D-45 was prior to the date of his visit to the said property. However, the same was irrelevant since the said engineer [PW2] was examined in March 2019, whereas he conducted his visit of property No.D-45 in March 2017. This could not be a reason for non-consideration of the said report, especially whence the said photographs were never suggested to be forged or fabricated by the tenant, and constituted sufficient evidence to conclude that property No.D-45 was in a dilapidated condition.

9. Regarding property No.414, since according to the learned counsel, it was not pressed by the tenant during the arguments on his application seeking leave to defend, he could not be given benefit thereof later. Further, in view thereof, even the landlords never lead any evidence to substantiate the reasons for letting it out by inducting tenants therein during the pendency of the previous Eviction Petition filed by the landlords.

10. None of the above, as per learned counsel, could discredit the case of the landlords. As such, the learned counsel urged to set aside the findings rendered by the learned ARC in the impugned judgment.

11. *Per contra*, as per learned counsel for the tenant since the impugned judgment does not suffer from any infirmity or illegality, having been passed after trial taking everything into consideration, the present petition is liable to be dismissed, especially, in view of the law laid down by the Hon'ble Supreme Court in *Abid-Ul-Islam vs. Inder Sain Dua*⁸.

12. The learned counsel submitted that despite filing the first Eviction Petition under *Section 14(1)(e)* of the Act in 2011 and getting all other

⁸ (2022) 6 SCC 30



tenants evicted from property No.D-45, the landlords filed the present petition within *five days* after its withdrawal claiming that their family had increased manifold, though none of them resided in any of the *five* vacant rooms therein at any point of time till then.

13. Regarding the issue qua the subject premises being in a dilapidated condition and requiring reconstruction, learned counsel submitted that since the landlords never invoked the provisions of *Section 14(1)(f)* or *(g)* of the Act, and in any event, the landlord no.1 [**PWI**] in his cross-examination contradicted himself as he stated that the landlords do not wish to reconstruct the same, the same could not be taken into consideration.

14. Lastly, learned counsel submitted that the landlord no.1 [**PW-I**] admitted during his cross-examination that after construction of property No.414 in the year 2015, the *six flats* therein were immediately let out by the landlords during the pendency of the earlier Eviction Petition, shortly before it was withdrawn and a fresh Eviction Petition qua the subject premises was filed within *five days* thereafter instead of occupying them. All the aforesaid, as per learned counsel, in terms of ***Shiv Sarup Gupta vs. Dr. Mahesh Chand Gupta***⁹, duly proved that the requirement urged by the landlords was not honest, genuine and sincere as held by the learned ARC.

15. This Court has heard learned counsels for the parties as also perused the documents and pleadings on record as also gone through the judgments cited at Bar.

16. Since the *landlord-tenant relationship* between the parties has not been disputed by the tenant, particularly, since the tenant admitted the rent being tendered by his father to the landlords, the same need not be adverted

⁹ (1999) 6 SCC 222



to. As such, the findings *qua* the same having been proved by the learned ARC in the impugned judgment is final and binding upon the parties.

17. *Admittedly*, the landlords withdrew their earlier Eviction Petition under *Section 14(1)(e)* of the Act regarding the subject premises on 01.08.2016 and filed the fresh one within *five days* thereafter on 06.08.2016, claiming urgent residential need of their family as it had increased manifold. *De hors* the size of their family, *admittedly*, though there were *five* vacant rooms in property No.D-45, none of them ever occupied any of them, and as observed by the learned ARC, the landlords were taking contrary stands in their reply to the tenant's application seeking leave to defend to the evidence of the landlord no.1 [*PWI*]. Also, the then newly constructed property No.414 was let out to other tenants during the pendency of the said earlier Eviction Petition. Though the landlords advocated for repairs to be carried out in the whole property No.D-45 wherein the subject premises was situated, they kept silent for proceeding either with the repairs therein for shifting their big family therein, more so, whence it was their own case that the landlords were facing a space crunch of a residential requirements for their family and there were *five* vacant rooms in their possession and not in occupation of anyone.

18. Regarding property No.D-45, the landlords cannot agitate something beyond the very scope of *Section 14(1)(e)* of the Act, more so, whence they never filed any petition under *Section 14(1)(f)* or *(g)* of the Act. Even otherwise, the learned ARC has taken due note of the engineer's/ expert's reports filed by both sides, and came up with a plausible solution/ interpretation, with which this Court need not to interfere merely because another interpretation, according to the landlords, is possible.



19. Regarding letting out of property No.414, the same is of utmost relevance since construction thereof was admittedly completed in 2015, and *six flats* therein were immediately let out by the landlords, when their earlier Eviction Petition under *Section 14(1)(e)* of the Act was still pending, which is admitted by the landlord no.1 [**PW-1**] during his cross-examination. The period of filing a fresh Eviction Petition, though with respect to another premises, within a short period of *five days* of withdrawal of the earlier one rings a bell. Again, because there was a scarcity of space for huge family members of the landlords when there were already *five* vacant rooms available with them. The only explanation provided by the landlords *qua* the above was that there were certain loans taken by them which they had to repay, however, they were without any particulars or evidence. In fact, no rent receipts for the amount collected from the said tenants in the *six flats* were produced by them.

20. The landlords, thus, based on the materials available, cannot agitate otherwise and/ or seek to reagitate the very same issues which have been duly dealt with by the learned ARC.

21. Though the landlords were/ are the best judge of their needs, however, they still have to cross the hurdle of their having a *bona fide requirement* for the subject premises and that they never had any reasonably suitable *alternative accommodation* available with them. The landlords herein have not been able to cross either of the thresholds and have also taken inconsistent pleas. Considering the above, the learned ARC has *rightly* dismissed the Eviction Petition of the landlords. Reliance is



placed upon *B.R. Anand vs. Prem Sagar*¹⁰, wherein it has been held by a co-ordinate bench of this Court that if a landlord is unable to stand on his legs, the Eviction Petition is liable to be dismissed.

22. The whole case set up by the landlords casts a shadow of doubt. The learned ARC has very carefully navigated through and dealt with all the above to arrive at the findings rendered in the impugned judgment. The same is clearly a plausible interpretation, which, this Court is agreeable with and thus, call for no interference in revisional jurisdiction. Finding no infirmity therein and in view of the findings rendered by the Hon'ble Supreme Court in *Sarla Ahuja vs. United India Insurance Co. Ltd.*¹¹ and *Abid-Ul-Islam (supra)*, the present revision petition, the scope whereof is extremely limited, is dismissed with no order as to costs.

SAURABH BANERJEE, J.

JANUARY 15, 2026/ab/RS

¹⁰ (93) 2001 DLT 370

¹¹ (1998) 8 SCC 119