



2026:DHC:5901



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Date of Decision : 23.07.2026**

+ RC.REV. 240/2026, CM APPL. 46796/2026 (Ex. From filing certified copies and original documents of annexures) & CM APPL. 46797/2026 (Stay)

SUBHASH CHANDPetitioner

Through: Ms. Agraza, Advocate.

versus

GIAN CHAND JAIN & ANR.Respondents

Through:

CORAM:**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**% **JUDGEMENT (Oral)**

1. The present Petition has been filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958**¹ challenging the **Order dated 28.01.2026**² passed by the **learned Administrative Civil Judge-cum-Civil Judge-cum-Additional Rent Controller, East District, Karkardooma Courts, Delhi**³, in case being RC-ARC 155/2018, titled "*Sh. Gian Chand Jain v. Subhash Chand & Anr.*".

2. Learned counsel appearing on behalf of the Petitioner seeks to reiterate and rely upon all the various contentions that were already raised before the learned ARC, *inter alia*, the objections with respect to the lack of landlord-tenant relationship, the availability of suitable alternate accommodation as also the aspect of *bona fide* requirement.

¹ DRC Act

² Impugned Order

³ learned ARC



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She emphatically reiterates her submission with regard to the absence of *bona fide* need, contending that, while the Eviction Petition states that the Respondent/Petitioner therein does not engage in any work, the General Power of Attorney describes him as ‘an extremely busy person’. She, therefore, submits that the alleged *bona fide* need is not established.

3. She further submits that the aspect of what constitutes ‘suitable’ alternate accommodation has not been correctly appreciated by the learned ARC and, therefore, the Impugned Judgment suffers from an error apparent on the face of the record as the same is a question of law.

4. Learned counsel appearing on behalf of the Petitioner further submits that Respondent No. 1, who had instituted the Eviction Petition, is not the landlord of the Petitioner herein and it is stated that Mr. Rajesh Kumar Jain, brother of the Respondent No. 1, is the actual landlord of the Petitioner herein. It is, therefore, contended that the Eviction Petition itself was not maintainable at the instance of the Respondent No. 1.

ANALYSIS:

5. This Court has heard the learned counsel appearing on behalf of the Petitioner and with her assistance had the occasion to go through the judgment impugned herein as also the relevant documents.

6. Before proceeding to examine the grounds of challenge urged on behalf of the Petitioner, it would be apposite to advert to the scope and ambit of the revisional jurisdiction vested in this Court under the proviso to Section 25B (8) of the DRC Act.

7. The contours of the aforesaid jurisdiction are well settled. The



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Hon'ble Supreme Court, in *Sarla Ahuja v. United India Insurance Co. Ltd.*⁴, *Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh*⁵, and, more recently, in *Abid-Ul-Islam v. Inder Sain Dua*⁶, has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

8. The aforesaid principles have also been reiterated and relied upon by Coordinate Benches of this Court, *inter alia*, in *Pankaj Pahwa v. Prem Wati & Ors.*⁷, and *Sanjeev Hiranandani v. Sunny Grover*⁸.

9. In *Abid-Ul-Islam*(supra), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25B of the DRC Act, observed that the omission of an appellate remedy against an Order passed by the learned Rent Controller is conscious and deliberate. The jurisdiction conferred upon the High Court is, therefore, one of superintendence over the decision-making process, including the legality and propriety thereof, and does not permit the High Court to substitute its own view for that of the learned Rent Controller merely because another view on the material available on record may be possible. The relevant observations of the Hon'ble Supreme Court read as under:

“23. The proviso to Section 25-B(8) gives the High Court exclusive power of revision against an order of the learned Rent Controller, being in the nature of superintendence over an inferior court on the decision-making process, inclusive of procedural compliance.

⁴(1998) 8 SCC 119

⁵(2014) 9 SCC 78

⁶(2022) 6 SCC 30

⁷2024:DHC:9322

⁸ 2025:DHC:11285



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.”

10. In ***Pankaj Pahwa*** (supra), a Coordinate Bench of this Court, upon considering the principles enunciated in ***Abid-Ul-Islam*** (supra), reiterated that the jurisdiction exercised by this Court under the proviso to Section 25B(8) of the DRC Act is limited in scope and that this Court is not expected to substitute or supplant its view for that of the learned ARC. The revisional scrutiny is confined to examining the decision-making process and determining whether the Impugned Order suffers from an error apparent on the face of the record or an absence of adjudication warranting interference.

11. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25B(8) of the DRC Act, this Court is neither required nor permitted to undertake a fresh appreciation of the material on record with a view to arrive at an independent conclusion on the merits of the dispute. Interference would be warranted only where the Impugned Order suffers from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC is wholly unreasonable or founded upon an erroneous premise of law. Equally, where a material plea has been left unconsidered or the decision-making process otherwise discloses an error apparent on the face of the record, exercise of revisional



jurisdiction may be warranted.

12. It is within the aforesaid limited parameters of revisional jurisdiction that the grounds urged on behalf of the Petitioner against the Impugned Order are required to be examined.

13. *Brevitatis causa*, the findings returned by the learned ARC are reproduced hereinbelow:

“Landlord-Tenant Relationship and Ownership

18. The respondent has claimed that the petitioner is not the owner of the suit shop. On the other hand, the petitioner is claiming his title of the suit shop on the basis that the mother of the petitioner had purchased this property vide sale deed dated 27.10.1964. After the death of mother of petitioner namely Smt. Shanti Devi, she was survived by six sons namely Hari Kishan, Gian Chand (petitioner), Ravinder Kumar Jain, Shashi Jain, Mukesh Kumar Jain and Rajesh Kumar Jain (respondent no.2) and two daughters namely Sanmati Kumar Jain and Chitra Jain who after their mutual consent executed various relinquishment deeds including relinquishment deed dated 19.08.2016 bearing Ex PW-1/A (colly) (OSR). Vide this relinquishment deed, the aforesaid other legal heirs transferred half of their share in the property no. WB-33 in the favour of the petitioner and respondent no.2 which is the suit property. Other half of the property no. WB-33, was released in favour of the other LRs i.e Sanmati, Kumar Jain and Mukesh Kumar Jain. It is the defence of the respondent no.1 that the petitioner has relinquished his share in the suit property in favour of other LRs which is not the case. On the perusal of the relinquishment deeds, there are two relinquishment deeds of the property bearing no. WB-33, Shakarpur Extension, Delhi-110092. One of the relinquishment deeds is qua the suit property and the other relinquishment deed is qua the other half of the property no. WB-33 which is clearly manifest if the boundaries specified in the relinquishment deeds are carefully read.

19. It is also the defense of respondent no.1 that respondent no.2 is the owner of the suit property and there has been no oral partition amongst the petitioner and respondent no.2. Respondent no.2 on the other hand has claimed that he and the petitioner are the joint owners of the suit property which was further orally partitioned.

20. In *Ramesh Chand vs. Uganti Devi*, 157 (2009) DLT 450, it has been specifically held that:-

"In order to consider the concept of ownership under Delhi Rent Control Act, the Court has to see the title and right of the landlord qua the tenant. The only thing to be seen by the Court is that the landlord had been receiving rent for



his own benefit and not for and on behalf of someone else. If the landlord was receiving rent for himself and not on behalf of someone else, he is to be considered as the owner, howsoever imperfect his title over the premises may be. The imperfectness of the title of the premises cannot stand in the way of an eviction petition under Section 14 (1) (e) of the D.R.C. Act, neither the tenant can be allowed to raise the plea of imperfect title or title not vesting in the landlord and that too when the tenant has been paying rent to the landlord. Section 116 of the Evidence Act creates estoppel against such tenant. A tenant can challenge the title of landlord only after vacating the premises and not when he is occupying the premises".

21. In view of the averments of respondent no.2 and the documents bearing Ex PWI/A (colly), the petitioner has been successful in his establishing his prima facie title over the suit property which comprises of suit shop. Be that as it may, the dispute of inter-se ownership is among the LRs' of Shanti Devi and has no concern with respondent no.2.

Thus, in any situation considering the material on record, the petitioner has a better title than that of respondent no.1.

Also, respondent no.1 has admitted that his mother namely Smt. Kalawati was the tenant of the mother of petitioner. If that is the case, after succeeding the title from his mother, the petitioner has become the landlord of the suit shop qua respondent no.1.

Objection As to the Impleadment of Other LRs of Smt. Kalawati & Incorrect Site plans

22. As aforesaid, it is not disputed that Kalawati, mother of respondent no.1, was the tenant of the mother of the petitioner. It is objected on behalf of respondent no.1 that other LRs of Kalawati have not been impleaded as a party in the present matter. This objection was previously taken by respondent no.1 in the application seeking leave to defend and this objection was put to rest vide order dated 30.01.2023 and it is also pertinent to note that the leave to defend was granted to respondent no.1 conditionally and this was not the ground on which leave to defend was granted. Be that as it may, it is not disputed that respondent no.1 is actually in possession of the suit shop, and thus the impleadment of respondent no.1 is sufficient for the purpose of this petition.

23. The petitioner has filed one site plan each of the property bearing no. WB-33 and WB-17 of the parts which has fallen in his share held by him exclusively or jointly. As far as the site plan bearing Ex PW-1/B is concerned, there is divergence of opinion among the parties as to whether the space on the west side of the suit shop comprises of a room or two shops. As per the petitioner, it



is a room and as per respondent no.1, there are two shops. Respondent no.1 has filed the site plan of the whole property bearing no WB-33 bearing Ex PW-1/R4 where the name of the tenants etc are being shown whereas Ex PW-1/B just pertains to the share of the petitioner relinquished in his favour and the details of the tenants are not being provided. Thus, Ex PW-1/E does not include the details of the tenants and the other half of the property which is not owned by the petitioner. Non-mentioning of the details of the tenants will not render the site plan Ex PW-1/B as incorrect.

24. One more differenced as already observed is the controversy of existence of a room or two shops on the west side of the suit shop. It is not disputed that when earlier the mother of the petitioner filed the suit bearing no. 226/2015 titled as Shanti Devi Jain v Ms Monika Markan bearing Mark A, the site plan filed at that time by the mother of the petitioner reflected one room and a shop whereas in the present petition now the whole concerned area is shown to be one big room. Thus, in the year 2015 itself, it has been shown on behalf of the mother of the petitioner that on the west side of the suit shop, there was a room and a shop and this concerned shop has already been vacated by Ms Monika Markan. Thus, from the year 2015 it has been reflected on part of the petitioner that there were never two shops but there was a room and a shop. In the present matter, the same has been shown to be one big room and the reason for the same as per the petitioner is that after the vacation of the shop, the petitioner has raised wall upon this shop which was vacated by Ms Monika. The site plan filed by the petitioner is. in consonance with his stand and thus just because the stand of the respondent no.1 is different, the site plan bearing Ex PW1/B cannot be termed as defective.

25. Further, the site plan of the property bearing no. WB-17 bearing Ex PW1/E filed by the petitioner pertains to only that part of property which has come to the share of the petitioner jointly with other LRs of Shanti Devi. There seems to be no error on the part of the petitioner to reflect that part of property which has come to the share of the petitioner. Non-inclusion of other part of WB-17 in which the petitioner does not have any right per se does not render site plan Ex PW-1/E as incorrect.

Availability of two shops in the property bearing no. WB-33

26. It is contended on behalf of respondent no.1 that on the west side of the suit shop, there are two shops which are available and vacant and is in the possession of petitioner and the same can be used for the alleged bonafide need of the petitioner. It is further contended that the petitioner malafidely raised walls over the entrances of both the shops so as to show that they are not shops any more with the sole purpose that the right of the respondent no.1 may be defeated when this petition was instituted.



27. On the other hand, petitioner has contended that they are not shops any more as they have been converted into one big room which has become the part of the residence of the petitioner.

28. Respondent no.1 has placed photograph of these alleged shops wherein it appears that the wall was just erected at one of the spaces when the photograph was clicked. As per the petitioner during his cross examination, one of the alleged shops was vacated by Ms. Monika in the year 2015 in pursuance of the settlement between the parties. These alleged shops have been specified by respondent no.1 in the site plan Ex PW-1/R4 as 'vacant shop'.

29. Even if it is presumed that no big room has been made by the petitioner by merging these alleged shops but still it has to borne in mind that it is a settled law that the landlord is the best judge and the tenant has no right to dictate the terms to the landlord. In the light of this settled law, on the perusal of the site plan filed by the respondent no.1 himself Ex PW-1/R4, these two alleged shops are in the gali which is 15 feet wide whereas the suit shop is an L shaped corner shop having one entrance from the front road which is 20 feet wide and the other entrance is from 15 feet wide gali. It is not difficult to comprehend that the suit shop is the better situated shop for the business expediency than the alleged shop. Therefore, hypothetically, even if the stand of respondent no.1 is taken to be correct that there are two vacant shops available in the suit property still they cannot be considered as alternate suitable accommodation as envisaged under Section 14 (1) (e) of DRC Act.

30. It has also to be noted here that as discussed in the preceding paragraphs, one of the alleged vacant shop was always shown a room by the petitioner and his predecessors atleast since the year 2015 when the petition against Ms Monika was filed by the mother of the petitioner. Thus, stand of respondent no.1 is also doubtful as to the existence of two aforesaid vacant shops.

Availability of two shops in the property bearing no. WB-17

31. As per respondent no.1, WB-17 is another property which is owned by the petitioner and is just opposite to the suit property. In property no. WB-17 there are two shops which are vacant and is in the possession of the petitioner. In the site plan filed by the petitioner Ex PW-1/E, these shops are Marked as 'X' and 'Y'.

32. In contradiction, the petitioner has claimed that WB-17 was also owned by mother of the petitioner and after the demise of mother of petitioner, the legal heirs by executing relinquishment deeds have divided the property no. WB-17 amongst them.

33. Relinquishment deeds have been filed on behalf of the petitioner bearing Ex PW-1/A (colly) (OSR). On the perusal of the relinquishment deeds it is manifest that the legal heirs have relinquished half of the property bearing no. WB-17 jointly in favour of Sh. Hari Kishan, Gian Chand (petitioner) and Mukesh



Kumar Jain and other half of the property jointly in favour of Ravinder Kumar Jain, Rajesh Kumar Jain and Sanmati Kumar Jain. It is not disputed that the alleged two shops in the property bearing no. WB-17 belongs to the part of the property whose share has been released in favour of the petitioner jointly with other LR's. The alleged two shops are situated in the part of the property bearing no. WB-17 which is jointly being owned by Hari Kishan, Gian Chand (petitioner) and Mukesh Kumar Jain. It is the case of the petitioner that this part of property has not been partitioned between the joint owners and therefore it cannot be said that the alleged two shops are owned by the petitioner exclusively.

34. Petitioner has examined as PW-5 Satish Chand who has deposed that he is the tenant of shop marked as X in Ex PW-1/E. During his cross examination PW-5 has testified that he pays rent to Mukesh Kumar Jain who is the brother of petitioner. In his cross examination, he has also deposed that the concerned shop has been locked for the last 10 years but he is in the possession of the shop. It is further admitted by witness during his cross examination that the electricity meter was installed at the concerned shop has no consumption of electricity.

35. Petitioner has further examined PW-6 namely Himanshu Jain who has deposed that he is in the possession of another alleged shop marked as Y in Ex PW-1/E. This witness has also brought on record the rent receipts of the year 2018 and one of the year 2022 which is Ex PW-6/X1 (colly). This witness has deposed that shop marked as X is in the possession of Satish Kumar.

36. As observed earlier, PW-5 has deposed that shop marked as X has been closed around 10 years. Just because the shop is closed for a long period of time, it does not call for raising the presumption that the concerned shop is vacant and is in the possession of the petitioner. Also, PW-5 has testified that his landlord is Mukesh Kumar Jain. Respondent no.1 has failed to bring forth any evidence beyond the preponderance of probabilities that the shop is vacant and is in the exclusive possession of the petitioner. As far as shop marked as Y is concerned, the petitioner has been successful in establishing that the concerned shop is not vacant. Also, on the perusal of the rent receipts bearing Ex PW-6/X1 (colly) the landlord mentioned in the rent receipts is 'Hari Kishan Gian Chand Mukesh Jain' which further corroborate the version of the petitioner that the aforesaid alleged shops are not exclusively owned by the petitioner but owned jointly alongwith the other LR's. Respondent no.1 has failed to prove that after the execution of relinquishment deed qua property bearing no. WB-17 any oral partition has been effected among the LR's. Further it is noteworthy here that even if it is presumed that aforesaid shop marked as 'X' and 'Y' are vacant and in the possession of the petitioner still shop no.1 and shop no.2 after amalgamation will be more conducive for the business enterprise of the petitioner as it will be an L shaped shop.



In view of the aforesaid reasons, it could be safely observed that neither the two alleged shops in property no WB-17 are vacant nor the petitioner is the exclusive owner of them and hence the objections raised by respondent no.1 qua the two shops in property bearing no. WB-17 are untenable.

Bonafide Requirement

37. As per the petitioner, the petitioner is a senior citizen who is having two sons who are well settled in life. The petitioner has experience of the sanitary business of more than 40 years and he is retired now. After the death of his wife, he has nothing purposeful to do and therefore he wants to start the business of sanitary equipment in the suit property by merging suit shop and the adjoining shop.

38. Per contra, as per respondent no.1, the petitioner is very old and is very ill as he is suffering from various ailments and thus the alleged bonafide need is a sham for obtaining the possession of the suit shop. Respondent no.1 has deposed the same in his evidence by way of affidavit bearing Ex RW-1/A and also called RW-4 Sh. Gajender Singh as a witness. As per RW-4, the financial condition of the petitioner is good and he does not require the suit shop. He further deposed that the petitioner is an old person and is suffering from various old age ailments. On the same lines RW-1 has also deposed.

39. During the cross examination of RW-1, RW-1 deposed that petitioner comes to the court on each and every date. If that is the case the matter is pending in this court since the year 2018 and if the petitioner was actually suffering from some serious ailments it would not have been possible for the petitioner to attend each and every court hearing. In addition to this, both RW-1 and RW-4 have failed to disclose with what kind of serious ailments the petitioner is suffering from which can incapacitate the petitioner in running the proposed business.

40. It is not in dispute that the petitioner has extensive experience in the sanitary trade. Old age, by itself, cannot be a ground to presume that the petitioner's requirement is not bona fide. As regard to financial necessity, it was never the petitioner's case that he is in dire need of money. From the very beginning, his case has been that he wishes to use his experience and skills to productively utilise his time, which in no manner appears to be ingenuine. If the petitioner has the desire to start his own business, the wings of his ambition cannot be clipped merely because of his age.

41. Concluding, all the objections taken by the respondent are found to be untenable."

(emphasis supplied)

14. A perusal of the aforesaid findings shows that the learned ARC



has considered each of the objections now sought to be urged before this Court. The issues relating to the landlord-tenant relationship, ownership of the suit premises and the objection regarding impleadment have all been examined with reference to the documents placed on record as well as the settled legal position. This Court does not find any infirmity in the approach adopted by the learned ARC so as to warrant interference in exercise of revisional jurisdiction.

15. Similarly, the learned ARC has also dealt with the Petitioner's contention regarding the availability of alternate accommodation. After considering the evidence relating to the properties bearing Nos. WB-33 Shakarpur Extension, Delhi-110092 and WB-17 Shakarpur Extension, Delhi-110092, the learned ARC has returned a finding that the premises relied upon by the Petitioner neither constitute suitable alternate accommodation nor are shown to be exclusively available to the Respondent. The said findings are based on appreciation of the evidence on record and cannot be reopened in revision merely because the Petitioner seeks a different conclusion.

16. Insofar as the plea regarding *bona fide* requirement is concerned, the learned ARC has assigned cogent reasons for accepting the Respondent's case. Merely because the Respondent is a senior citizen or financially secure would not, by itself, negate the genuineness of his requirement. This Court finds no perversity or material illegality in the said finding.

17. Examined in the aforesaid light and the law laid down with respect to the narrow scope of revisional jurisdiction, this Court finds that the challenge raised by the Petitioner is essentially directed against the appreciation of facts and evidence already examined by the



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learned ARC. None of the submissions advanced before this Court demonstrate that the learned ARC has ignored any material document, applied an incorrect legal principle or returned findings which can be characterised as perverse or wholly unsupported by the record.

18. The endeavour of the Petitioner is, in substance, to seek a fresh appraisal of the material already considered by the learned ARC, which is impermissible while exercising the limited revisional jurisdiction under Section 25B (8) of the DRC Act.

19. Accordingly, this Court finds no jurisdictional error, manifest illegality, material irregularity or perversity in the Impugned Judgment so as to warrant interference in exercise of the revisional jurisdiction vested under Section 25B (8) of the DRC Act.

20. In view thereof, this Court finds no merit in the present Revision Petition and, accordingly, the present Petition stands dismissed.

21. Accordingly, the present Petition, along with pending application(s), if any, stands disposed of.

HARISH VAIDYANATHAN SHANKAR, J.
JULY 23, 2026/tk/va