

**IN THE COURT OF SH. GAURAV GOYAL, ARC-01, CENTRAL
DISTRICT, TIS HAZARI COURTS, DELHI.**

RC ARC NO. 676/2024

Sh. Kailash Chand Gupta

S/o Late Sh. RN Gupta
R/o 1, Flag Staff Road,
Civil Lines,
Delhi-110054.

.....**Petitioner**

Versus

S.S. Jain Sabha (of Rawalpindi),

Delhi (Regd.)

Through its President,
C/o 35-D, Kamla Nagar,
Delhi-110007

Also, At:

109, Arihant Nagar,
Near Punjabi Bagh West,
Delhi-110026

.....**Respondent**

Date of Institution of the case	27.11.2024
Under Section	14(1)(e) r/w Section 25B, Delhi Rent Control Act.
Date of reserving of Order	04.02.2026
Date of Order	04.04.2026
Decision	Leave to defend application is dismissed and eviction order is passed

Argued by:

- a) **Sh. Jai Sahai Endlaw, Ld. Counsel for Petitioner.**
- b) **Sh. Ashutosh Lohia, Ld. Counsel for Respondent.**

ORDER

1) This order shall dispose off an application for leave to defend filed by the respondent/tenant in an eviction petition under Section 14(1)(e) of the Delhi Rent Control Act (*hereinafter called as the DRC Act*). The present eviction petition has been filed for seeking eviction of respondent from *entire first floor, second floor & third floor (including the miani 14' X 14' having a height of approximately 6 feet which is located on the top of the rooms on the backside of the ground floor)* of Property bearing no. 35-D, Kamla Nagar, Delhi-110007 (hereinafter referred to as **tenanted premises**) and more specifically shown in **red colour** in the site plan.

PETITION

2) It is alleged by the petitioner that the petitioner along with his daughter-in-law had purchased the above-described entire property bearing no. 35-D, Kamla Nagar, Delhi (including the basement, ground, first, second and terrace floor) from the legal heirs of Sh. Mulakh Raj, Sh. Des Raj and Sh. Ram Chander vide ten separate sale deeds dated 01.10.2018 duly registered in the office of Sub-Registrar, Kashmere Gate, Delhi as documents no. 11646, 11647, 11651, 11652, 11833, 11834, 11835, 11836, 12180 and 12181. Thereafter, the erstwhile owners on 26.11.2018 served a notice upon the respondent intimating the respondent about the entire sale of property including the tenanted premises to the petitioner. Thereafter, the daughter-in-law of the petitioner released her remaining share in the tenanted premises in favour of the petitioner vide registered release deed dated 30.03.2021. That the family of the petitioner consists of himself, his wife, son, daughter-in-law, grandson and granddaughter. It is further averred that the petitioner is involved in the business of running and maintain student housing. That the property in question i.e. 35-D, Kamla Nagar comprises of (i) Basement which is in occupation of tenant of petitioner, (ii) two shops on the front side of ground floor which are being used by the petitioner

himself for his business, (iii) one room on the backside/rear portion of the ground floor which is under unauthorized/illegal occupation and (iv) entire first floor, second floor & third floor (including the miani 14' X 14' having a height of approximately 6 feet which is located on the top of the rooms on the backside of the ground floor) which is under tenancy of the respondent. That the petitioner had sold two rooms on the backside/rear portion on the ground floor to Mr. Bansi Lal and Mr. Radhey Shyam in February, 2019 and had also sold miani to Mr. Om Prakash in February, 2019. It is submitted that the area of Kamla Nagar not only houses top colleges of Delhi University but is also very prominent market for coaching institutes. That the petitioner's business Delhi Diaries Hostel was started in 2023 from property bearing no. 5 UB, Bungalow Road located in Kamla Nagar and later got expanded to property bearing no. 6F, Kamla Nagar. That the petitioner now requires the tenanted premises bonafidely for himself and grandson Naman Gupta for running/expanding business of student housing. That the petitioner is owner of other properties, however, the same are not suitable for the requirement of the petitioner. *Hence, it is stated that eviction order may be passed against the respondent in view of the bonafide requirement of the petitioner, since he does not have any other alternative accommodation.*

3) ***Along with the petition***, petitioner had filed copy of rent receipt dated 22.07.1995, copy of notice dated 03.12.2018 sent by petitioner, copy of legal notice dated 22.10.2018 sent by petitioner, copy of site plan, copy of sale deeds issued in favour of petitioner and his daughter-in-law, copy of notice dated 26.11.2018 issued by erstwhile owners to the respondent intimating sale of property in favour of petitioner, copy of release deed dated 30.03.2021 in favour of petitioner, printouts of website run by petitioner delhidairieshostel.com and Instagram handle of @delhidiarieshostel, copy of MOA with respect to property bearing no. 6F, Kamla Nagar, copy of court order pertaining to 44E, Kamla Nagar and true copy of document showing 6, Alipur being sealed.

LEAVE TO DEFEND

4) Upon issuance of summons under the Third Schedule of the DRC Act, the respondent appeared and filed his leave to defend application within the prescribed time period. In the leave to defend application the respondent has contested the claims of the petitioner on the following grounds: -

- (a) That petitioner is not the owner of the tenanted premises. It is also stated that there is no relationship of landlord and tenant between the parties and the respondent has never attorned in his favour.
- (b) That the sole purpose of the petitioner is to re-let the suit property and the requirement is not bonafide.
- (c) That the petitioner has concealed alternative accommodations available with him.
- (d) That the need of the petitioner is for an additional accommodation and therefore, leave to defend must be granted.
- (e) That the petitioner has not disclosed the exact details/nature of business for which he requires the tenanted premises.
- (f) That incorrect/incomplete site plan has been filed along with the petition.

5) ***Along with the leave to defend application***, respondent has filed resolution dated 24.01.2025, copy of the site plan, true copy of petition and written statement in RC ARC 413/2020, true copy of evidence affidavit of petitioner and testimony dated 25.05.2023, 16.02.2024, 08.07.2024 in RC ARC 413/2020, true copy of Google search for Luxuria Living, true copy of description of Delhi Diaries Hostel, true copy of LinkedIn profile of Naman Gupta, true copy of details of properties owned by petitioner and his family, true copy of relevant orders of contempt case 708/2021, true copy of display of 6, Shamnath Marg and affidavit u/s 63 BSA, 2023.

REPLY TO LEAVE TO DEFEND APPLICATION

6) In reply to the leave to defend application supported with the accompanying affidavit, petitioner has denied the averments of the respondent and reiterated his bonafide requirement of the tenanted premises. *Along with the reply*, petitioner has filed true copy of site plan, true copy of lease agreement along with printed photographs with respect to basement of property in question, copy of legal notice dated 18.11.2024 sent to Radhey Shyam, copy of sale deeds executed in February 2019, printed photographs of the ground floor front rooms, printed website of petitioner's running business Delhi Diaries Hostel, copy of internship certificate of grandson of petitioner, printed profile of Landmark properties, printed text messages sent by clients of petitioner, printed newspaper articles/Google search showing Shamnath Road as Alipur Road, copy of relevant building bye-law and affidavit u/s 63 BSA

REJOINDER

7) In rejoinder, thereafter, the respondent denied the averments of the petitioner made in the reply to the leave to defend application and reiterated the grounds of leave to defend. *Along with rejoinder*, respondent has filed copy of letter dated 28.07.1995, copy in income/expenditure for the year ended 31.03.1996 and copies rent receipts.

FINDINGS

8) Arguments were then advanced by the respective counsels on behalf of both the parties on leave to defend application. At the outset, it is stated that there is no doubt regarding the case laws relied upon on behalf of both the parties where the Hon'ble Supreme Court and the Hon'ble High Court of Delhi has laid down the principles with respect to provisions of the DRC Act, 1958 in different factual scenarios. However, each case has its own distinguishing facts and circumstances and each matter has to be decided in its own factual background.

It is trite to state that in a petition u/s 14(1)(e) of DRC Act in order to get an eviction order the petitioner/landlord is required to establish the following: -

- (i) That he/she is the owner/landlord of the property;*
- (ii) That he/she requires the premises bonafide and*
- iii) That he/she does not have any other alternative suitable accommodation for this purpose.*

LANDLORD-TENANT RELATIONSHIP

- 9) As far as the landlord-tenant relationship is concerned, the respondent has disputed the same. It is contended on behalf of the respondent that there is no landlord-tenant relationship and that petitioner is not the owner of the tenanted premises. It is further stated that the documents relied by the petitioner regarding ownership of property are not valid. However, the respondent have themselves stated to be the tenant in the demised premises. It is settled law that the petitioner is not required to prove absolute ownership. In this regard it is necessary to mention the law laid down in the judgment titled as **Rajender Kumar Sharma vs. Smt. Leela Wati** reported as **155 (2008) DLT 383**, the Hon'ble High Court of Delhi held that.

".....It is settled law that for the purpose of section 14 (1) (e) of Delhi Rent Control Act, a landlord is not supposed to prove absolute ownership as required under Transfer of Property Act. He is required to show only that he is more than a tenant. In this case, the landlady had placed on record the documents by which she became owner. The attornment given by the erstwhile landlord in her favour as well as an admission made by the tenant by filing petition under section 27 of Delhi Rent Control Act acknowledgement the landlordship of landlady. Thus, the conclusion arrived at by the ARC regarding ownership and relationship of landlord and tenant were based on sound legal position and the cogent material before it....."

- 10) The principle is very clear that once a tenant always a tenant. **The tenant cannot dispute the title of his landlord or his successor-in-interest.** In case the tenant had any doubt regarding ownership, he could have filed an

interpleader suit. Besides in the present case, the petitioner has not to prove absolute ownership. He only has to show that he has a better title than that of the tenant. Therefore, the said contention that title documents filed by the petitioner are not valid, is of no assistance to the respondent. The Hon'ble Supreme Court in the case of **Bansraj Laltaprasad Mishra v. Stanley Parker Jones (2006) 3 SCC 91** had held that:

".....13. The underlying policy of section 116 is that where a person has been brought into possession as a tenant by the landlord and if that tenant is permitted to question the title of the landlord at the time of the settlement, then that will give rise to extreme confusion in the matter of relationship of the landlord and tenant and so the equitable principle of estoppel has been incorporated by the legislature in the said section.

- 11) Further, the objection with respect to title deeds of petitioner also does not amount to any triable issue as imperfectness of title does not bar a petition u/s 14 (1) (e) of the DRC Act. In this regard, it is important to bear in mind the principle laid down in the case of **Sh. Bharat Bhushan Vs. Arti Teckchandani 2008 (153) DLT 247** which is as follows: -

"The concept of ownership in a landlord-tenant litigation governed by the Delhi Rent Control Act, has to be distinguished from the one in a title suit. If the premises was let out by a person and after his death, the premises has come in the hands of beneficiary under a Will, the tenant has no right to challenge the title of such a beneficiary. If on the death of the original owner the tenant has any doubt as to who was the owner of the premises, he is supposed to file an interpleader suit impleading all the legal heirs of the deceased and ask the Court to decide as to who shall be the landlord/owner after the death of the original owner."

- 12) Thus, the petitioner has to show that he has a better title than that of the tenant. **The principle is very clear that once a tenant always a tenant. The tenant cannot dispute the title of his landlord or his successor-in-interest.** In this regard, reliance is placed upon the case of **Ramesh Chand vs.**

Uganti Devi reported as 157 (2009) DLT 450 wherein the Hon'ble High Court of Delhi held:

"..... The imperfectness of the title of the premises cannot stand in the way of an eviction petition under section 14 (1) (e) of the DRC 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 estoppels against such a tenant. A tenant can challenge the title of landlord only after vacating the premises and not when he is occupying the premises. In fact, such a tenant who denies the title of the landlord, qua the premises, to whom he is paying rent acts dishonestly.....".

13) **Thus, a tenant is estopped from challenging the ownership or denying the title of the landlord or his successor in interest.** No interpleader suit is stated to have been filed by the respondent. Also, the tenant has no locus to challenge the transfer of ownership in favour of the landlord. It is also pertinent to note that the law does not require any attornment as a pre-requisite on the part of the tenant for affirming the title of the landlord. It is well settled that if the transfer of the landlord's title is valid, even if the tenancy is not attorned in favour of the transferee, the lease continues. Thus, a transferee of the landlord's rights, steps into the shoes of the landlord with all the rights and liabilities of the transferor landlord in respect of the subsisting tenancy. *Thus, attornment in favour of the new landlord is unnecessary to confer validity to the transfer of the landlord's rights and there is no such statutory requirement.* Reference may be made to the case of **Hajee K. Assainar vs. Chacku Joseph AIR 1984 Ker 113.** *Hence, the said contention is devoid of merits.*

14) Accordingly, it can be stated that the petitioner is the owner /landlord of the tenanted premises and the respondent is the tenant in the said premises.

Thus, the first ingredient of landlord-tenant relationship between the parties in the present case, stands established.

BONAFIDE REQUIREMENT

15) Moving forward, in order to succeed in his petition, petitioner is required to establish the *bonafide* need. Petitioner has averred that he requires the tenanted premises for expanding business of student housing for himself and his grandson. However, respondents have opposed the same and stated that the need of the petitioner is not bonafide. The first contention of the respondent is that the sole purpose of the petitioners is to evict the respondent and thereafter re-let of the property. 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.* Hence, mere assertion of the respondent in this regard does not amount to any triable issue. Further, in this regard, 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.*

16) *Secondly*, it is contended that petitioner requires the demised premises for expanding his student housing business for himself and his grandson Naman Gupta who has completed his graduation of University of Michigan and has also completed his internship from Landmark Properties. Per contra, it is contended on behalf of the respondent that there is no requirement for the grandson of the

petitioner as he is already gainfully employed in Mumbai since 2023. However, the contention of the respondent is devoid of merits as a person cannot be expected to sit idle and reach a state of starvation before his need is considered bonafide. Reliance in this regard is placed upon the decision of Hon'ble Supreme Court in the case of **Raghunath G. Panhale Vs. M/s Chaganlal Sunderji & Co. AIR 1999 SC 3864** wherein it was observed that:

“A landlord need not lose his existing job nor resign it nor reach a level of starvation to contemplate that he must get possession of his premises for establishing a business.”

17) Further, I also find it relevant to refer to the case of **Smt. Phool Kumari & Ors. Vs. Sh. Shyambir Tyagi RCR No. 318/2013 dated 01.10.2014**, wherein the landlord sought possession of the tenanted premises on the ground that he was unemployed and needed the premises to open a shop. The tenant denied that the landlord was unemployed. *The Hon'ble High Court of Delhi upheld the order of the Ld. Trial Court and observed that no triable issues were raised which warrant that the application for leave to defend be allowed.* Hence, the said contention is of no assistance to the respondent.

18) It is a matter of common knowledge that litigation can continue for many years and therefore, the petitioners cannot be expected to remain idle during the said period. From the record, it is clear that though the present petition was instituted in the month of November 2024, and it is only in April 2026 that the leave to defend has reached the stage of order. Therefore, for these years, it would be unjust to expect them to remain idle and reach a state of starvation. Moreover, even if, eviction order is passed, petitioner cannot obtain the possession of the premises till six months in view of Section 14(7) of the DRC Act Further, I find it pertinent to refer to the case of **Gaya Prasad Vs. Shri Pradeep Srivastava, Appeal Civil No. 1071/1072 of 2001** wherein it was observed as under: -

10. “..... During 23 years after the landlord moved for eviction on the ground that his son needed the building. Neither

the landlord nor his son is expected to remain idle without doing any work, lest, joining any new assignment or starting any new work would be at the peril of forfeiting his requirement to occupy the building. It is a stark reality that the longer is the life of the litigation the more would be the number of developments sprouting up during the long interregnum. If a young entrepreneur decides to launch a new enterprise and on that ground he or his father seeks eviction of a tenant from the building, the proposed enterprise would not get faded out by subsequent developments during the traditional lengthy longevity of the litigation. His need may get dusted, patina might stick on its surface, nonetheless the need would remain intact. All that is needed is to erase the patina and see the glose. It is pernicious, and we may say, unjust to shut the door before an appellant just on the eve of his reaching the finale, after passing through all the previous levels of the litigation, merely on the ground that certain developments occurred pendentelite, because the opposite party succeeded in prolonging the matter for such unduly long period.”

19) It is also pertinent to mention that in a society like ours, parents/grandparents often see it as their moral obligation to settle even their adult children, grandchildren and make them economically independent. Therefore, the present petition filed by the petitioner for the bonafide requirement of himself and his grandson cannot be said to be malafide. Further, in ***Ram Babu Aggarwal Vs. Jay Kishan Dass 2009 (4) RCR (Civil) 748***, it was held that merely because the landlord has no prior experience in business, it cannot be a ground to doubt his bonafide and therefore, no triable issue arises in this regard.

20) *Fourthly*, it is contended that the petitioner has failed to disclose the exact details business for which the tenanted premises is required by him. It is further contended that petitioner has failed to disclose whether the petitioner possesses sufficient knowledge to start the business. However, it is pertinent to note that the DRC act is silent about any requirement of the landlord for giving

details/divulging anything qua the nature/purpose of the proposed business. Hence, the landlord is not required to disclose the exact nature of use of premises in eviction petition. Reliance in this regard is placed upon the decision of Hon'ble Delhi High Court in **H S Banka vs Mohan Lal 2025 SCC Online Del 6372**. Even otherwise, in the case of **Raj Kumar Khaitan & Ors. Vs. Bibi Zubaid Khatun & Ors, AIR 1995 SC 576**, it was held by Hon'ble Supreme Court that *even if the nature of business would have been indicated, nobody could bind the landlords to start the same business in the premises after it was vacated*. Thus, it is the prerogative of the landlord to determine which business he intends to start and whether the tenanted premises is suitable or not for said purpose. *Thus, the said contention is also devoid of merits.*

21) Further, it is contended that the respondent has no other property from where they can run their business. However, it is trite to state that for the purpose of eviction petition u/s 14 (1) (e) of the DRC Act, it is the bonafide requirement of the petitioner/landlord which is to be seen and not the purpose for which the respondent/tenant is using the premises. If the need of the landlord is genuine, then merely because the tenant has no other premises for his business is no bar for the grant of eviction order. *Hence, the said contention by itself does not amount to any triable issue.* Furthermore, it is a well settled principle of law that a Rent Controller has to see the bonafide requirement of the petitioner and not the comparative hardship of the respondent. Reliance in this regard is placed upon the Apex Court's decision in **Bega Begum and Ors. v. Abdul Ahad Khan and Ors (1979) AIR 272** that the inconvenience, loss and trouble resulting from denial of decree of eviction in favour of the landlord far outweigh the prejudice or the inconvenience which will be caused to the tenant.

22) *Fifthly*, it is contended that the site plan filed by the petitioner does not reflect the actual position of the premises. However, barring some differences, identity and extent of the tenanted premises as shown by the petitioner and the

respondent in the counter site plan are the same. Moreover, it is trite to state that there is no requirement of the landlord to set out exactly what area is required in terms of giving measurement. Reliance in this regard is placed upon the order of Hon'ble High Court of Delhi in **RC Rev. No. 224/2023 Sharad Jain Vs. Jayanti Jain Prasad dated 28.01.2025**.

23) Hence, I find that, *the petitioner has been able to establish his bonafide requirement for the tenanted premises.*

ALTERNATE ACCOMMODATION

24) With regard to the plea of alternative accommodation, it is contended by the respondent that the petitioner already has alternative accommodations suitable for his projected bonafide requirement. However, it is a well settled proposition of law that it is not sufficient that any kind of the property should be available to the petitioner/landlord to rule out the benefit of 14(1)(e) of D.R.C. Act. The property available with the petitioner/landlord should also be reasonably suitable property. In ***MM Quasim vs/ Manohar Lal Sharma, (1981) 3 SCC 36***, the Apex Court has held that the landlord does not have an unfettered right to choose the premises *but merely showing that the landlord has some other vacant premises in his possession may not be sufficient to negative the landlord's claim if the vacant premises were not suitable for the purpose for which he required the premises.* Furthermore, it is the prerogative of the landlord to determine which premises best suits his requirements. It is trite to state that an alternative accommodation, to entail denial of claim of landlord, must be reasonably suitable, obviously in comparison with tenanted premises, wherefrom the landlord is seeking eviction. It is pertinent to note here the judgment of the Hon'ble Apex Court in ***Abid-ul-Islam Vs. Inder Sain Dua, Civil Appeal No. 9444 of 2016*** where it was stated by the Hon'ble court 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 bonafide and (ii) the non-availability of a reasonably suitable accommodation. ***Such reasonableness along with suitability is to be seen from the perspective of the landlord and not the tenant.***

25) In the present case, as far as properties bearing no. (i) Mustail no. B-4/7, Basement Raj Narain Marg, Civil Lines, (ii) Mustail No. 20, Civil Lines, (iii) house no. F-47, Kamla Nagar, (iv) house no. F-50, Kamla Nagar, (v) Mustail no. 29/1, Alipur road, Civil Lines, (vi) house no. 1962, 1963, 1964 Civil Lines, (vii) house no. D-56, Kamla Nagar, (viii) house no. E-27, Kamla Nagar, (ix) house no. 51-D, Kamla Nagar, (x) house no. D-27, Kamla Nagar, (xi) house no. 6197, Shakti Nagar, (xi) part of property no. 37, Shakti Nagar, (xii) house no. 25/152 Shakti Nagar, (xiii) house no. 21, Shakti Nagar, (xiv) house no. 24/24, Shakti Nagar, (xv) Mustail no. 10, Shakti Nagar, (xvi) house no. 17/36, 20/4, 2/13 Shakti Nagar, (xvii) house no. 121/35, plot no. 121, Shakti Nagar, (xviii) house no. 2640-2646, house no. 2707-2608 , house no. 2598/B, house no. 2597/B Kashmere Gate, (xix) part of property no.13, known as 1/13 Roop Nagar, (xx) house no. C-7/2-A, house no. pronono.191, house no.8 Model Town, (xxi) 11-F, D-51, Kamla Nagar, Delhi and un-numbered property in Kamla Nagar, petitioner has clarified that the he or his family do not have the ownership of the abovesaid properties. The petitioner has further alleged that the said properties is owned by some other persons. *Per contra*, no material has been placed by the respondent to show that the abovesaid properties exists in the name of the petitioner. Hence, the said properties cannot be said to be available to the petitioner for denial of the claim of the tenanted premises. Reference is made to the judgment of the Hon'ble High Court of Delhi in the case of **Lalta Prasad Gupta Vs. Sita Ram, 2017 SCC Online Del 13026**, wherein it was held as under: -

“18. Thus, if the tenant seeks leave to defend controverting the requirement pleaded by landlord on the ground of the landlord, though at the time of requirement having alternate premises, having

*not used the same and instead having commercially exploited the same, **the tenant must plead** (a) the particulars of such premises; (b) the right/title of the landlord to the same; (c) **that the said premises were vacant and available for use at the time of pleaded requirement of landlord;** (d) **how the said premises were suitable for the pleaded requirement;** and (e) how the landlord has deprived himself thereof i.e. by sale or letting and **support the said pleas with material on the basis whereof such pleas will be proved.**”*

26) As far as contention with respect to alternative accommodation in the form of other properties (i) House no. 6, Civil Lines, (ii) House no. 6-A, Kamla Nagar and (iii) House no. 81-D, Kamla, (iv) House no. 24/156, Shakti Nagar and (v) 81-D, Kamla Nagar, the petitioner has categorically stated that he has no concern with the said properties and they are owned by family members of the petitioner. Therefore, the said properties cannot be held to be alternative accommodations of the petitioner herein. In this regard, reliance is placed upon the case of ***Saroj Khemka Vs. Indua Sharma, 79 (1999) DLT 120***, wherein Hon'ble High Court upheld the rejection of leave to contest, holding that no court can compel a person to adjust in the property of his relative.

27) Next, it is contended that the petitioner has concealed the fact that he had sold (1) Mustail no. A-19, Kamla Nagar, (2) House no. 42-D, Kamla Nagar, (3) A-105, Kamla Nagar, Delhi, prior to the filing of present eviction petition. Hence, it is contended that the need of the petitioner is not Bonafide. Perusal of record however shows that the present eviction petition has been filed in the year 2024 whereas the property bearing no. A-19, Kamla Nagar was sold in 2012, property bearing no. 42-D, Kamla Nagar and A-105 Kamla Nagar were sold in the year 2018. It is trite to state that time is not static and with lapse of time, new needs may emerge which were not existing earlier. Petitioner has already stated in his petition that he had sold properties for his requirement. Furthermore, in the case of ***Shyam Sunder Ahuja Vs. Sushil Kumar, 2017 SCC Online Del 10624***, the Hon'ble High Court of Delhi has held that the plea that the landlord

has sold some property or let out some property is not a ground to deny the order of the eviction to the landlord. The relevant extract is reproduced here under: -

“16. Not only so, the petitioner/tenant also di not state that there was no change in the requirement of the respondent/landlord since then. Merely taking a plea that the respondent/landlord has in the past sold som property or let out some property has in Narender Kumar Shah Proprietor Jay Bharat Steels Vs. Malti Narang 2014 SCC Online Del 3839 and Anil Kumar Bagania Vs. Shiv Rani 2014 SCC Online Del 6645 been held to be not a ground for denying order of eviction to landlord on the ground of self-requirement of premises.”

28) Further, reference is made to the decision of the ***Hon'ble High Court of Delhi in the case of Mohinder Singh Vs. Satish Chander Sikka RC Rev. 35/2023 dated 08.10.2025*** in which the following was held: -

“14. Further, the sale of certain premises by the landlord before filing of the eviction petition under Section 14(1)(e) of the DRC Act are irrelevant and immaterial as they cannot be a determining factor for his need of the subject premises at present. Once again, sale/purchase/lease of other properties by the landlord are not an impediment for a landlord to file eviction proceedings under Section 14(1)(e) of the DRC Act. In any event, the tenant had merely made bald and vague assertions with no substantiation, which in view of the settled position of law in Sarla Ahuja v. United India Insurance Co. Ltd. and Deena Nath v. Pooran Lal were insignificant and inconsequential.”

29) However, bald averments have been made without placing any material on record which would result in a triable issue qua the suitability of the said purported alternative accommodations. Evidently, as per record the respondent has not filed any document to substantiate his plea. As discussed above, the alternative must be reasonably suitable in comparison to the tenanted premises from the perspective of the landlord to entail denial of claim of landlord. *Therefore, no triable issue arises in this regard as well.*

30) Counsel for the respondent has also relied upon various judgments to contend that '*in cases where additional accommodation is asked for, normally leave to defend should not be refused*'. However, the said judgments do not lay down any principle of law much less salutary principle of law ***to be applied irrespective of the facts of the case***. Hence, it is not a proposition calling for universal application per se so that even if, *facts prima facie incredible in nature* are pleaded; they should like a password result in leave to contest being granted. Reliance in this regard is placed upon decision of Hon'ble High Court of Delhi in **A. M. Shah vs Pushpa Sood, 92 (2010) DLT 694 and Chand Daga vs Inder Mohan Singh Rana, 2002 (610) DRJ 410**. Further, only by looking into facts and circumstances of the case, it can be determined whether grounds for granting leave are made out or not. It is always the prerogative of the landlord that if he requires the premises in question for his bonafide use for expansion of his business, then, it is not for the respondent/tenant to dictate the terms and advice as to what and what not should the landlord do when he has other premises available.

31) Even otherwise, it is the prerogative of the landlord to determine which premises best suits his requirements. It is trite to state that an alternative accommodation, to entail denial of claim of landlord, must be reasonably suitable, obviously in comparison with tenanted premises, wherefrom the landlord is seeking eviction. The Hon'ble Supreme Court of India and the Delhi High Court have 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 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 case of *Praveen & Anr. Vs. Mulak Raj & Ors. RC Rev. 417/2016* in this regard. *Therefore, the said contention is a bald averment and without any particulars of any purported alternative accommodation, does not amount to any triable issue.*

32) The conduct of the respondent clearly shows that frivolous allegations have been made without any basis or material solely for the purpose of raising a contention. The said contentions, therefore, are devoid of merits. *Hence, I find that no triable issue arises on account of alternative accommodation as well.*

RELIEF

33) Accordingly, in view of the aforesaid discussion and findings, I hold that the petitioner has been able to establish the essential ingredients of petition u/s 14 (1) (e) of DRC Act i.e. landlord-tenant relationship, bonafide necessity and absence of reasonably suitable accommodation. Thus, in view of the foregoing discussion, this court is of the view that no triable issue has been raised by the respondents in the leave to defend application. Accordingly, the leave to defend application is hereby **dismissed** and consequently, **an eviction order u/s 14(1)(e) r/w Section 25B, DRCA is passed in favor of petitioner and against the respondents with respect to the tenanted premises i.e. entire first floor, second floor & third floor (including the miani 14' X 14' having a height of approximately 6 feet which is located on the top of the rooms on the backside of the ground floor) of Property bearing no. 35-D, Kamla Nagar, Delhi-110007 and more specifically shown in red color in the site plan annexed with the petition.**

However, in light of Section 14(7) DRCA, the eviction order shall not be executable for a period of six months from today. **No order as to costs.**

File be consigned to Record Room after due compliance.

(Announced in the Open Court)

(GAURAV GOYAL)
ARC-01, Central District, THC
Delhi/04.04.2026