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

+ **RC.REV. 507/2015 & CM APPL. 8455/2019**

M/S GAINDA LAL RAM NARAYAN & ANRPetitioners

Through: Mr. S.C. Singhal, Mr. S. Kaushik &
Mr. Parth Mahajan, Advocates.

versus

NARAYAN SHAMNANIRespondent

Through: Mr. Pradeep Dewan, Sr. Advocate
with Mr. Ashok Popli, Ms. Anupam
Dhingra, Mr. Akash Yadav,
Advocates.

+ **RC.REV. 563/2015, CM APPL. 23785/2015, CM APPL.
6966/2016, CM APPL. 14540/2016 & CM APPL. 68805/2024**

M/S BELI RAM CHEMIST & ORSPetitioners

Through: Mr. Gurinder Pal Singh, Mr. Sidharth
Bera & Ms. Jaya Bajpai, Advocates.

versus

NARAYAN SHAMNANIRespondent

Through: Mr. Pradeep Dewan, Sr. Advocate
with Mr. Ashok Popli, Ms. Anupam
Dhingra, Mr. Akash Yadav,
Advocates.

+ **RC.REV. 99/2016, CM APPL. 5209/2016 & CM APPL.
68804/2024**

YOGESH JAINPetitioner

Through: Mr. Amit Sethi, Advocate.

versus

NARAYAN SHAMNANIRespondent

Through: Mr. Pradeep Dewan, Sr. Advocate
with Mr. Ashok Popli, Ms. Anupam
Dhingra, Mr. Akash Yadav,
Advocates.



CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

17.02.2025

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CM APPL. 68805/2024 In RC.REV. 563/2015 [for subsequent events]

CM APPL. 68804/2024 In RC.REV. 99/2016 [for subsequent events]

1. These are Applications filed on behalf of the Petitioners/tenants seeking to place on record a document in relation of a subsequent event pertaining to the Respondent/landlord applying for renewal of his license of Shop No.44, Gol Market, New Delhi [hereinafter referred to as the “Shop No.44”].

2. Learned Counsel for the Petitioners/tenants seeks to rely upon a document dated 17.09.2024, which is a communication addressed by the New Delhi Municipal Council to the Respondent/landlord regarding renewal of the NDMC Shop at Gol Market, New Delhi.

3. Issue Notice.

3.1 Learned Senior Counsel for the Respondent/landlord accepts Notice and seeks time to file a Reply.

4. The Reply be filed within a period of two weeks.

4.1 Rejoinder thereto, if any, be filed within one week thereafter

5. List on 04.04.2025.

RC.REV. 507/2015, RC.REV. 563/2015 & RC.REV. 99/2016

6. The present Petitions seek to challenge the orders dated 02.07.2015 [RC.REV. 507/2015 and RC.REV. 563/2015] passed by learned SCJ-cum-RC, Patiala House Courts, New Delhi and 14.10.2025 [RC.REV. 99/2016] passed by learned ARC, Patiala House Courts, New Delhi [hereinafter



referred to as ‘Impugned Orders’]. By the Impugned Orders, the Application for Leave to Defend/contest filed by the Petitioners/tenants was dismissed.

The premises in issue are:

S.No.	Revision Petition	Subject Premises
1.	RC.REV. 507/2015	Shop bearing No.1 and part of first and barsati floor of suit property bearing No. 1, 3 and 5 built on plot No. 1 and 2, Block 91, Bhagat Singh Marg, Lady Harding Road, New Delhi
2.	RC.REV. 563/2015	One Shop bearing No. 1/1 & 1/2 of property bearing No. 1, 3 and 5 built on plot No.1 and 2, Block 91, Bhagat Singh Marg, Lady Harding Road, New Delhi
3.	RC.REV. 99/2016	Shop bearing No.3 of property bearing No. 1, 3 and 5 built on plot No. 1 and 2, Block 91, Bhagat Singh Marg, Lady Harding Road, New Delhi

7. So far as concerns the landlord-tenant relationship and the ownership of the Subject Premises, the same has not been disputed by the Petitioners/tenants.

8. On the aspect of bonafide need, an averment has been raised by the learned Counsel for the Petitioners/tenants that the need is for the married daughters of the Respondent/landlord, which is not a need as set out under the provisions of Delhi Rent Control Act, 1958. Reliance is placed on a judgment of a Coordinate Bench of this Court passed in **Bhim Singh Saini v. Preeti Gupta**; 223 (2015) DLT 303.

9. On the aspect of availability of alternate suitable accommodation,



learned Counsel for the Petitioners/tenants submit that Shop No.44 is available with the Respondent/landlord. Reliance is placed on a recent document which has been annexed alongwith a fresh application to place on record subsequent events in this regard.

10. Learned Senior Counsel for the Respondent/landlord also seeks to rely upon the judgment passed by this Court in **Swaranjit Singh and Anr. v. Saroj Kapoor**; 2023 SCC OnLine Del 7396 and by a Coordinate Bench of this Court in **Charanjeet Singh v. Vivek Jain**; 2024 SCC OnLine Del 613 to submit that the Courts have held the need to married daughters to be *bona fide* need.

11. So far concerns the aspect of bonafide need of the married daughters of the Respondent/landlord, the learned Senior Counsel for the Respondent/landlord submits that the need is not of his married daughters but of him and his family members which include his wife, his son and his daughters to expand the business which is already been set up by the Respondent/landlord.

11.1 A review of paragraphs 18(a)(iii), (iv) and (v) of the Eviction Petition clearly set out that the need of the Respondent/landlord is not for his married daughters but for expanding his travel agency business which he is already doing alongwith his wife. It is stated in the Eviction Petition that his daughters and son were also assisting him in the said business at the time of filing of the Eviction Petitions. The need, as is set out, is thus not for the married daughters but for the expanding of his own business with the help of members of his family. The reliance placed by the Petitioners/tenants on the **Bhim Singh** case is without any merit.

11.2 Thus, the averment of the Petitioners/tenants *qua* the bonafide need of



12. On the aspect of availability of alternate accommodation, learned Counsel for the Petitioners/tenants in RC.REV. 507/2015 submits that in addition to the availability of Shop No.44, Shop No.5, Bhagat Singh Marg, Gole Market, New Delhi [hereinafter referred to as the “Shop No.5”] is also available as alternate accommodation.

13. Learned Senior Counsel for the Respondent/landlord refutes this submission made by the learned Counsel for the Petitioners/tenants in RC.REV. 507/2015. It is submitted that so far as concerns the Shop No.5, the same is not in the possession of the Respondent/landlord for the last several years. It is further submitted that a suit for recovery of possession i.e., C. S. COMM 226/2021 captioned as **Narain Shamnani v. Karachi Halwa House & Ors** has been pending before the learned Trial Court for the said Shop.

14. So far as concerns Shop Nos.9 and 10, Bhagat Singh Lane, Gole Market, New Delhi, learned Senior Counsel for the Respondent/landlord submits that the same are two garages and do not belong to the Respondent/landlord but belong to his son, and as set out in the Reply to the Leave to Defend/Contest Application, the same have been tenanted for a long time.

15. Thus, clearly, the only issue to be decided by this Court is on the aspect of availability of Shop No.44.

16. Learned Senior Counsel for the Respondent/landlord reiterates his contention which was set out in the Eviction Petition, that so far as concerns the Shop No.44, it was sold in the year 2000. He submits that it is likely that the substitution of the name of new owner of the premises has not been done. In addition, learned Senior Counsel for the Respondent/landlord seeks



to rely upon a public notice issued by the New Delhi Municipal Council (NDMC) to submit that the Shop No.44 is now even been auctioned by the NDMC. He requests for some time to place on record the public notice alongwith his Reply.

17. In the meantime, the parties shall file their short note of contentions in the matter, not exceeding three pages, along with the compilation of judgments, if any, they wish to rely upon. All judgments sought to be relied upon shall be filed with an index which also sets out the relevant paragraph numbers and the proposition of law that it sets forth.

18. List on 04.04.2025.

TARA VITASTA GANJU, J

FEBRUARY 17, 2025/ ha

[Click here to check corrigendum, if any](#)