

ITEM NO.46

COURT NO.17

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1457/2026

[Arising out of impugned final judgment and order dated 11-11-2025 in RCREV No. 215/2024 passed by the High Court of Delhi at New Delhi]

ISHWAR CHAND

Petitioner(s)

VERSUS

HEMANT GUPTA

Respondent(s)

IA No. 8589/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 13-01-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE N.V. ANJARIA

For Petitioner(s) : Ms. Shradha Agrawal, AOR

For Respondent(s) : Mr. Vidhur Kumar Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Under the impugned order, the High Court has allowed the Revision Petition preferred by the respondent-landlord to set aside the order passed by the Rent Control Tribunal which allowed leave to defend in favour of the petitioner/ tenant. Eventually, the High Court has opined that the present is a matter where leave to defend ought not to have been granted to the petitioner/ tenant.

2. The only ground on which leave to defend was sought was that the landlord's son is already

operating a business in the name of M/s Akansha Generators. Therefore, the projected bonafide need is only a felt need and not a bonafide need.

3. On the basis of the GST Registration Certificate of the business concern, the High Court has held that the respondent/ landlord is the proprietor of M/s Akansha Generators and his son has nothing to do with the said concern. Even if the son of the respondent/ landlord is assisting in the business, it can't be said that his bonafide need is fulfilled when he does not own the said M/s Akansha Generators.

4. In our considered view, the High Court was fully justified in taking the above view while refusing to grant leave to defend.

5. The High Court has already allowed six months' time to the petitioner for vacating the subject premises by invoking Section 14(7) of the Delhi Rent Control Act, 1958. During the course of hearing today, when we are not inclined to interfere with the impugned judgment, learned counsel for the petitioner prays that considering the paucity of non-residential premises in the area in which the present suit premises is situated, some more time may be granted to the petitioner to vacate the subject premises.

6. Considering the prayer made by the learned counsel for the petitioner, it is directed that the

petitioner shall handover the vacant possession of the tenanted premises/ subject premises on or before 15.02.2027 subject to usual undertaking being filed with the Registry of this Court within three weeks from today. Needless to say, the petitioner shall pay entire arrears of rent, if due, as also the payment of charges for use and occupation of the premises at the agreed rate in advance for each month and shall not create any third party rights.

7. The Special Leave Petition is accordingly disposed of.

8. Pending application(s), if any, shall stand closed.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(CHETNA BALOONI)
COURT MASTER(NSH)