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

+ RC.REV. 168/2023

NAVEEN KUMAR

.....Petitioner

Through: Ms. Mala Goel, Mr. Parvinder and
Ms. Mahi Pawar, Advs.

versus

BABITA JAIN

.....Respondent

Through: Mr. Arun Birbal and Mr. Sonjay
Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

16.10.2025

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1. By way of order dated 07.01.2023 (*impugned order*), the learned Additional Rent Controller, Central District, Tis Hazari Courts, Delhi (*learned ARC*) dismissed the leave to defend application of the petitioner/tenant, and allowed the eviction petition bearing no.E-222/19 *qua* Shop No.6, Ground Floor, Property No.43, Gandhi Gali, Fatehpuri, Delhi (*subject premises*), filed by the respondent/landlady under *Section 14(1)(e)* of the Delhi Rent Control Act, 1958 (*the Act*) on the ground that her husband, who is unemployed and dependent on her, required the same to start his dry fruits business.

2. The tenant has filed the present revision petition for setting aside the said impugned order.

3. Of the numerous contentions taken by the tenant before this Court to the effect that the landlady sold other properties prior to filing of the



eviction petition; there were concealments in the Site Plan filed by the landlady; there was availability of suitable alternative accommodations with the landlady; and hence triable issues raised by the tenant before the learned ARC, one of the, in fact the primary argument urged by Ms. Mala Goel, learned counsel for the tenant is *qua* the alleged *bona fide requirement* of the landlady for her husband.

4. This, she submits, goes into the root of the matter *qua* maintainability of the eviction petition, since the landlady is a housewife, her *bona fide requirement* regarding her husband could not have been made out, more so, since her husband, who was elder in age to her could not have been held to be dependent upon her. Moreover, since she and her husband, have two sons, the younger of whom is already running his own dry fruits business, and since the landlady neither showed her source of income, nor that her husband is actually unemployed, no *bona fide requirement* was made out.

5. Mr. Arun Birbal, learned counsel for the landlady, on the other hand, supporting the impugned order, urges that the learned ARC has already rendered detailed findings *qua* the contentions raised by the tenant before this Court.

6. On the aspect of the landlady being a housewife, Mr. Arun Birbal submits that a landlady being a housewife cannot come in the way of her fulfilling her pious duties as a wife, and so, the landlady's requirement of helping her own husband has rightly not been interfered with by the learned ARC, and ought not to be interfered by this Court as well. Further, as far as the landlady's husband being actually unemployed or the business of their sons is concerned, he submits that it was for the tenant to



show any documents/ proofs contrary to the landlady's pleadings, and having failed to do so, the impugned order has rightly been passed against the tenant and in favour of the landlady.

7. Heard learned counsels for the parties.

8. *Prima facie*, this Court does not find any merit in the case set up by the tenant. The aspect of *landlord-tenant relationship* being uncontested, and in view of the well-reasoned findings rendered by the learned ARC *qua* the aspect of suitable *alternative accommodation* as well after due consideration of every other premises alleged by the tenant, there is no need for this Court to advert to the same.

9. As far as the aspect of *bona fide requirement* is concerned, this Court finds the argument urged by the tenant to the effect that the landlady, being a housewife, could not have any such need or occasion to assist her husband, to be wholly untenable. The same falls flat since it is well-settled that family members of a landlord, who are closely connected and *qua* whom the landlord has a social obligation, are also covered by the expression "... ..for his own use... .." as contained in *Section 14(1)(e)* of the Act. Reliance is placed upon ***Joginder Pal v. Naval Kishore Behal*** (2002) 5 SCC 397. There can be no plausible justification for reading any distinction into the applicable laws simply because the landlord herein is a *housewife landlady*, more so, since giving such an interpretation would be against the very principles of law and justice, especially as enshrined in *Articles 14 and 15* of the Constitution of India. The landlord can also be a landlady requiring the subject promises for her husband as in the present case. The age of the parties or the dependency of the husband on the landlady or the financial capacity or the status of the parties can in no



manner come in the way of maintainability of an eviction petition in such cases. In the present case, it is not denied by the tenant that her husband was elder in age to her as also was dependent upon her. That her sons were gainfully employed or that the landlady disclosed her source of income or that her husband is actually unemployed were not factors to conclude that there no *bona fide requirement* of the subject premises by the landlady.

10. Once it was the case of the landlady that she required the subject premises for the welfare and betterment of her own husband in the course of fulfilment of her familial duties, neither the tenant, nor even the Court, could have any say in the same. As held in ***Shiv Sarup Gupta v. Dr. Mahesh Chand Gupta*** 1999 (6) SCC 222, the landlady had only to show that the requirement urged by her was honest, genuine, sincere, and the like, and not a product of her whims and fancies, which was more than fulfilled in the present case before the learned ARC.

11. To put up a sustainable challenge thereto, it was incumbent upon the tenant to lead cogent material to show that the landlady's husband was employed elsewhere, or working with his younger son, etc. Not having brought any such defence on record, mere assertions by the tenant that a husband could never depend upon a housewife, could not have provided any support to his case, and the learned ARC has correctly found the aspect of *bona fide* requirement in favour of the landlady as well.

12. At this stage, Ms. Mala Goel, learned counsel for the tenant, upon instructions from the brother of the tenant, Mr. Deepak Jain, present in Court, submits that the tenant is willing to vacate the subject premises and handover vacant and peaceful possession thereof to the landlady on or



before 30.05.2026. She further submits that prior to handing over the vacant, peaceful and physical possession of the subject premises to the landlord by on or before 30.05.2026, the tenant shall also pay/ clear all electricity and water dues, including all other statutory dues qua the subject premises.

13. Mr. Arun Birbal, learned counsel for the landlady, also upon instructions of the husband of the landlady, Mr. Dinesh Kumar Jain, present in Court, submits that he has no objection to the aforesaid, provided that the tenant continues to pay the user and occupation charges at the same rate as fixed by this Court *vide* order dated 03.07.2023.

14. As such, this Court is not adjudicating the issues contended by Ms. Mala Goel any further.

15. Let an affidavit of undertaking in terms of the aforesaid be filed by the tenant within a period of two weeks.

16. Accordingly, renotify on 19.11.2025 at 04:00 PM.

SAURABH BANERJEE, J

OCTOBER 16, 2025/bh