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

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Judgment reserved on: 09.07.2026
Judgment pronounced on: 01.09.2026

+ RC.REV. 178/2022

BALJEET SINGH AND ANRPetitioners
Through: Mr. Harsh Kumar, Advocate.

versus

SANTOSH BHUTANIRespondent
Through: Ms. Arunima Dwivedi, Ms.
Himanshi Singh and Ms.
Monalisha Pradhan, Advocates.

CORAM:

**HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Rent Control Revision Petition, filed under Section 25-B(8) of the **Delhi Rent Control Act, 1958¹**, read with Section 115 of the Code of Civil Procedure, 1908, assails the **Judgement dated 22.03.2022²** passed by the **learned Additional Rent Controller, Central District, Tis Hazari Courts, Delhi³**, in the **Eviction Petition, being RC/ARC No. 961/2019⁴**.

2. By way of the Impugned Judgement, the Application filed by the Petitioners seeking leave to defend came to be dismissed and an Eviction Order, with respect to **Shop No. 4932/7, Fataknamak, Hauz**

¹ DRC Act

² Impugned Judgement

³ Learned ARC

⁴ Eviction Petition



Quazi, Delhi-110006⁵, was consequently passed in favour of the Respondent.

FACTUAL MATRIX:

3. **Smt. Santosh Bhutani⁶**, the Respondent herein, instituted the Eviction Petition under Section 14(1)(e) read with Section 25-B of the DRC Act, seeking eviction of the Petitioners from the Subject premises, which was let out to the Petitioners.

4. In the Eviction Petition, the Respondent pleaded that she was the owner of the Subject premises, having derived title thereto through a registered **Will dated 19.08.2000⁷**, executed by her mother, Smt. Vidyawati. It was further pleaded that the Subject premises had initially been let out by the Respondent's mother to the father of the Petitioners, Late Sh. Rajinder Singh Jolly, and that the Respondent had subsequently become entitled to the premises, after the demise of their father.

5. It is stated that the Eviction Petition was allegedly founded upon the *bona fide* requirement of the Respondent for the purpose of settling her son, Sh. Pawan Bhutani, who, according to the Respondent, did not have any other shop or business premises from which he could carry on business and earn his livelihood.

6. The Respondent pleaded that she herself had no source of income and that the Subject premises was required to enable her son to commence/establish his business.

7. Along with the Eviction Petition, the Respondent placed on record, *inter alia*, the documents relied upon in support of her alleged

⁵ Subject premises

⁶ Respondent

⁷ Will



bona fide claim, including a copy of the Will, site plan, certain statements and Orders passed in earlier proceedings, as well as other documents pertaining to the subject premises.

8. Upon receipt of summons in the Eviction Petition, the Petitioners filed their Application seeking leave to defend, accompanied by their respective affidavits, disputing the case set up by the Respondent.

9. The Petitioners raised, *inter alia*, objections concerning the Respondent's title to the subject premises, the relationship of landlord and tenant, and the *bona fide* requirement pleaded for her son. The Petitioners also placed material before the learned ARC concerning the alleged business activities of Sh. Pawan Bhutani and the occupation and use of other portions of the property.

10. In particular, the Petitioners placed on record material relating to the business being carried on by Sh. Pawan Bhutani under the name and style of "*Jai Durga Enterprises*" from the first floor of the Subject premises, and also referred to material concerning other business activities carried on by members of the Respondent's family. The Petitioners accordingly sought leave to contest the Eviction Petition on the basis of the grounds raised in their Application seeking leave to defend and the material placed on record before the learned ARC. Subsequently, a Reply to the leave to defend Application came to be filed by the Respondent.

11. The learned ARC, after considering the pleadings and material placed on record, proceeded to adjudicate the Application seeking leave to defend and, *vide* Judgment dated 22.03.2022, *i.e.*, the Impugned Judgement, the learned ARC dismissed the Application seeking leave to defend and allowed the Eviction Petition filed by the



Respondent.

12. Consequently, an Eviction Order came to be passed in favour of the Respondent, directing the Petitioners to hand over possession of the Subject premises to the Respondent. The Petitioners, being aggrieved by the Impugned Judgement, instituted the present Revision Petition.

SUBSEQUENT DEVELOPMENTS:

13. On the first date of hearing of the present Petition, this Court, *vide* Order dated 28.07.2022, issued Notice to the Respondent and, in the *interregnum*, stayed the execution of the Impugned Order.

14. During the pendency of the present Revision Petition, the Respondent passed away. Thereafter, the question of bringing her legal representatives on record arose. The matter was also taken up in connection with an Application seeking fixation of user and occupation charges.

15. This Court, *vide* Order dated 10.12.2024, recorded that the Respondent had passed away and that her son was the surviving legal heir. The Court further directed the learned counsel for the Petitioners to take appropriate steps for bringing the legal representative of the Respondent on record.

16. By the same Order, this Court also dealt with the question of user and occupation charges. The user and occupation charges were fixed at Rs. 25,000/- per month for the period commencing from 22.09.2022 to 30.11.2024 and at Rs. 30,000/- per month from 01.12.2024 onwards.

17. Significantly, the interim protection granted by this Court on 28.07.2022 was directed to continue subject to payment of the said



charges, with the further stipulation that, in the event of default, the interim protection would automatically stand dissolved.

18. Thereafter, despite opportunities having been granted on several occasions, the Petitioners did not take steps for filing the Application for impleadment of the legal representatives of the deceased Respondent.

19. Subsequently, on 26.02.2026, the learned Joint Registrar (Judicial) passed an Order recording that the matter remained pending for payment of costs of Rs. 2,000/- and for filing the Application for impleadment of the legal representatives of the deceased Respondent. The Order further recorded that, despite repeated opportunities granted *vide* Orders passed by learned Joint Registrar (Judicial) dated 11.02.2025, 05.05.2025, 28.08.2025 and 27.11.2025, the Petitioners had failed to take steps for filing the aforesaid Application.

20. The aforesaid Order also records that the present Petition, owing to the requirement of impleadment of the Legal Representative of the Respondent, had not been placed before this Court for more than a year and, consequently, directed that the matter be placed before this Court on 07.04.2026 for further directions.

21. On 07.04.2026, when the present matter was taken up for hearing by this Court, learned counsel appearing on behalf of the Petitioners sought adjournment. Consequently, the matter was re-notified to be listed on 09.07.2026 before this Court.

22. On 09.07.2026, the present matter was taken up for hearing and, with the consent of learned counsel appearing on behalf of the parties, was taken up for final disposal.

23. At this juncture, this Court deems it apposite to note that on 09.07.2026, the learned counsel appearing for the parties were



directed to file their respective Written Submissions, within a period of seven (07) days therefrom. However, pursuant thereto, neither party has filed any Written Submissions as yet.

24. Accordingly, the present matter is being considered and adjudicated on the basis of the submissions advanced by learned counsel during the course of hearing on 09.07.2026, the documents placed across the Bar and the material available on record.

SUBMISSIONS ON BEHALF OF THE PARTIES:

25. Learned counsel appearing on behalf of the Respondent would submit that no surviving *lis* remains for adjudication in the present proceedings since the Eviction Order under challenge has already been executed in accordance with law.

26. Learned counsel for the Respondent would submit that vacant and peaceful possession of the Subject premises has been handed over to the Respondent on 13.10.2025 pursuant to the Warrants of Possession issued by the learned Executing Court. It would, therefore, be contended that the relief sought in the present Petition has already been effectuated and nothing further survives for consideration.

27. Learned counsel for the Respondent would submit that it is no longer *res integra* that where peaceful possession of the tenanted premises has already been restored to the landlord in execution of the Eviction Order, the Revision Petition challenging such Eviction Order becomes infructuous.

28. Learned counsel for the Respondent would submit that the aforesaid position of law stands squarely covered by the Judgment of this Court in ***Gulzar Singh & Anr. v. Raj Rani & Ors.***⁸. The said

⁸ RC. REV. No.251/2017, decided on 29.08.2024



Judgment, according to learned counsel, is directly attracted to the facts of the present case.

29. Learned counsel for the Respondent, to further substantiate the aforesaid contention, would place reliance upon the subsequent Judgment of this Court in **Noor Ahmad & Anr. v. Mohd. Sadiq**⁹, to submit that, in materially similar circumstances, the tenant's Revision Petition was dismissed as infructuous after the subject premises had been restored to the landlord through execution proceedings.

30. It would be submitted that this Court in **Noor Ahmad (supra)** specifically considered the contention that the Revision Petition ought nevertheless be decided on merits and, after examining the Judgments relied upon by the tenant, declined to undertake such an exercise once possession had been recovered by the landlord in accordance with law.

31. Learned counsel for the Respondent would, thereafter, draw the attention of this Court to the Order dated 23.09.2025, whereby the learned Executing Court issued Warrants of Possession, pursuant to which the Bailiff executed the Warrants on 13.10.2025 and delivered vacant and peaceful possession of the subject premises to the Decree Holder. The said Order was placed across the Bar for perusal of this Court.

32. Learned counsel would also draw the attention of this Court to the Order dated 07.11.2025 passed by the learned Executing Court, whereby the execution proceedings were expressly recorded as having been satisfied, and lawful and peaceful possession having been transferred to the Respondent through her legal heir. The aforesaid Order was also placed across the Bar for perusal of this Court.

⁹ 2024:DHC:10077



33. Learned counsel for the Respondent would accordingly submit, relying upon the aforesaid Decisions of this Court and in the backdrop of the subsequent developments in the present case, that any adjudication upon the merits of the grounds raised in the present Petition would amount to an exercise in determining a purely academic question.

34. Learned counsel for the Respondent would thus submit that the Respondent, having already obtained possession, pursuant to the Eviction Order, in accordance with law, no effective relief can now be granted to the Petitioners in the present proceedings and, accordingly, that the present Revision Petition be dismissed as having become infructuous.

35. **Per contra**, learned counsel for the Petitioners would be forthright in submitting that although vacant and peaceful possession of the Subject premises has already been delivered to the legal heir of the Respondent, however, the present Petition has not become infructuous merely on account of possession of the Subject premises having been obtained by the Respondent pursuant to the execution proceedings.

36. Learned counsel for the Petitioners would contend that the present Petition challenges the legality of the Eviction Order passed by the learned ARC and that the grounds urged in the present Petition raise substantive issues which warrant consideration by this Court and, accordingly, would submit that the present Petition ought to be considered on merits and the Impugned Judgement be set aside.

37. Learned Counsel appearing on behalf of the Petitioners, would submit that the challenge on merits, is confined to the finding returned by the learned ARC with respect to the *bona fide* requirement pleaded



by the Respondent.

38. Learned Counsel for the Petitioners would submit that the learned ARC has erred in concluding that the Respondent had established a *bona fide* requirement, particularly since the case set up in the Eviction Petition was founded upon *bona fide* requirement that the Subject premises were required to enable the Respondent to settle one of her sons, Mr. Pawan Kumar Bhutani, by facilitating the commencement of business.

39. Learned Counsel would submit that the aforesaid basis of the alleged *bona fide* requirement was subsequently departed from by the Respondent in her Reply to the Application seeking leave to defend. It would be submitted that the Petitioners had specifically brought to the notice of the learned ARC, that Mr. Pawan Kumar Bhutani, for whose benefit the *bona fide* requirement was originally pleaded, was already carrying on business in the name and style of “*Jai Durga Enterprises*” for the past 15 years, and that the said business was being conducted from the first floor of the Subject premises itself.

40. Learned Counsel for the Petitioners would further submit that documents pertaining to the GST registration and returns of the said firm were also placed on record before the learned ARC, wherein Mr. Pawan Kumar Bhutani was reflected as the sole proprietor of the said firm. It would, therefore, be contended that the material placed before the learned ARC directly contradicted the basis upon which the *bona fide* requirement had originally been pleaded.

41. Learned Counsel for the Petitioners would submit that, only after the aforesaid facts were brought to the notice of the learned ARC, did the Respondent acknowledge that her son was already carrying on the said business and, accordingly, altered the basis of the



alleged *bona fide* requirement in her Reply to the Application seeking leave to defend. It would be contended that the requirement was thereafter sought to be justified on the premise that the Subject premises, being situated on the ground floor, would afford greater convenience and commercial viability for carrying on the existing business.

42. **In rejoinder submissions**, learned Counsel appearing on behalf of the Respondent, controverting the aforesaid submissions, would submit that the Reply to the Application seeking leave to defend forms part of the pleadings and constitutes material forming part of the record before the learned ARC, on the basis of which the Eviction Petition was adjudicated.

43. Learned Counsel for the Respondent would submit that there was no departure from, or abandonment of, the *bona fide* requirement pleaded in the Eviction Petition, rather the Respondent merely elaborated upon the requirement in response to the grounds sought to be raised by the Petitioners in their Application seeking leave to defend, including the facts brought on record by the Petitioners themselves.

44. Learned Counsel for the Respondent, therefore, would submit that the learned ARC committed no error in returning a finding in favour of the Respondent on the aspect of *bona fide* requirement, the said finding having been arrived at upon an overall consideration of the pleadings and material available on record. It would, accordingly, be submitted that the present Petition, insofar as it assails the finding of *bona fide* requirement, is devoid of merit and is liable to be dismissed.



ANALYSIS:

45. This Court has heard learned counsel for the parties and, with their able assistance, perused the material available on record, including the Judicial Orders and precedents placed across the Bar.

46. For the sake of convenience and clarity, the ensuing discussion is arranged under separate headings corresponding to the principal discussion undertaken thereunder.

47. It is made clear that the said headings are merely intended to facilitate the orderly appreciation of the reasoning and are not to be construed as creating isolated distinction between the issues. The Judgment is to be read as a whole, and the findings recorded under each heading shall be understood in the context of, and in conjunction with, the findings and reasoning contained in the other parts of the Judgment.

48. The principal question which arises for consideration, in the backdrop of the alleged subsequent developments in the present case, is whether a Rent Control Revision Petition challenging an Eviction Order under the *proviso* to Section 25-B(8) of the DRC Act can be disposed of as being rendered infructuous, when the Eviction Order has been lawfully executed and pursuant thereto, vacant and peaceful possession of the tenanted premises has been restored to the landlord.

49. The aforesaid question necessarily invites, at the outset, the consideration of this Court to the legal position in context of the effect of the delivery of peaceful possession of tenanted premises to the landlord pursuant to execution of the Eviction Order. The said aspect has received consideration by the Hon'ble Supreme Court as well as by this Court in a consistent line of authorities, which shall now be adverted to.



Legal position governing the effect of execution of an Eviction Order

50. In ***N.C. Daga v. Inder Mohan Singh Rana***¹⁰, the Hon'ble Supreme Court was seized of a challenge to the Judgment of this Court affirming the decision of the learned Rent Controller declining leave to defend in an Eviction Petition instituted under Section 14(1)(e) of the DRC Act. During the pendency of the said proceedings, the possession of the tenanted premises had already been taken pursuant to execution of the Eviction Order. In view of the aforesaid development during the pendency, the Hon'ble Supreme Court declined to examine the rival contentions any further, observing that, once possession had been taken pursuant to execution of the Order permitting eviction, such an exercise "*would amount to rendering a decision on a purely academic question*". The relevant portion thereof, being Paragraph No. 6, reads as under:

“6. In view of the admitted position that pursuant to the order passed by the Rent Controller, possession has been taken on execution of the order permitting eviction, and absence of specific stand regarding implied consent it is, however, not necessary to go into the finer details and to examine the rival stand in the background of legal position as it would amount to rendering decision on a purely academic question. The appeal is, therefore, dismissed, without any order as to costs.”

51. The aforesaid principle was subsequently reiterated in the Judgement of the Hon'ble Supreme Court in ***Vinod Kumar Verma v. Manmohan Verma***¹¹, where, upon being informed that possession of the premises had already been taken over by the landlord, the Hon'ble Supreme Court held that nothing further survived in the Appeals and accordingly disposed of the same as being infructuous. The aforesaid

¹⁰ 2003 (1) SCC 453

¹¹ Civil Appeal Nos. 5220-5221/2008



Order reads as under:

“Leave granted.

At the time of hearing of these appeals, the learned counsel appearing on behalf of the landlord-respondent submits, on instructions, that the possession of the premises in question has already been taken over by the landlord-respondent. That being the position, these appeals have now become infructuous, which have been filed against the final judgment and order dt.25.02.2008 and 28.03.2008 passed by the High Court of Delhi at New Delhi in RCR No.49 of 2007 and C.M.No.119 of 2008 (Review) in RCR No.49 of 2007, by which the Revision Petition filed by the tenant/appellant was dismissed and order of eviction was affirmed. Since the possession has already been taken over by the landlord-respondent, in our view nothing survives in these appeals and accordingly, the appeals are disposed of as infructuous.

Interim order, if any, stands vacated.

There will be no order as to costs.”

(Emphasis supplied)

52. The aforesaid principle was also directly applied by a Coordinate Bench of this Court in circumstances materially analogous to those obtaining in the present case, and the conclusion so arrived came to be affirmed by the Hon’ble Supreme Court.

53. In *Neelam Sharma v. Ekant Rekhan*¹², a Revision Petition arose from an Eviction Order passed under Section 14(1)(e) of the DRC Act and, during the pendency of the Revision, possession of the subject premises had been taken over by the landlord in execution proceedings. Taking note of the said subsequent development, the Coordinate Bench of this Court held that the Revision Petition had become infructuous. The relevant observation reads as under:

“15. The possession of the shop in question, admittedly, is taken over by the respondent on 30.08.2018 in execution proceedings, hence even otherwise, this petition has become infructuous.”

54. Significantly, the aforesaid Judgment was thereafter carried in challenge before the Hon’ble Supreme Court in *Neelam Sharma v.*

¹² RC.REV. 398/2018, decided on 10.01.2019



Ekant Rekhan¹³. The Hon'ble Supreme Court took note of the aforesaid finding of this Court and declined to interfere with the said conclusion, thereby dismissing the Special Leave Petition. The relevant portion of the Order reads as under:

“We have heard learned counsel appearing on behalf of the petitioner.

In Paragraph 15 of the impugned judgment, the High Court has observed that the possession of the shop in question, admittedly is taken over by the respondent on 30.08.2018 in execution proceedings. Therefore, the revision before the High Court has become infructuous. In such view of the matter, we are not inclined to entertain this special leave petition.”

The special leave petition is, accordingly, dismissed.

Pending application(s), if any, shall also stand disposed of.”

(Emphasis supplied)

55. Having thus noticed and considered the aforesaid Judgements of the Hon'ble Supreme Court, it would now be apposite to examine the manner in which the aforesaid principle has been interpreted, developed and consistently applied by this Court in the context of Revision Petitions arising under the DRC Act.

56. This Court is conscious of the fact that the question, at hand in the present case, has, over the years, engaged the attention of this Court on numerous occasions, resulting in a substantial and consistent body of judicial authority. It would serve little purpose to burden the present Judgment by traversing each decision rendered on the subject. The authorities noticed hereinafter are, therefore, not intended to be exhaustive, but are illustrative of the consistent judicial approach adopted by this Court and sufficiently represent the manner in which the question has been considered and dealt with in successive decisions.

¹³ SLP (C) No. 10967/2019, decided on 08.05.2019



57. In ***Mohd. Akram v. Nafisa Begum***¹⁴, a Coordinate Bench of this Court, most recently, was faced with a similar circumstance. The said matter also arose from a Revision Petition under Section 25-B(8) of the DRC Act challenging an Eviction Order passed under Section 14(1)(e) of the DRC Act. During the pendency of the Revision Petition, it was confirmed before the Court that possession of the demised premises had already been handed over to the landlord. After noticing the Judgments of the Hon'ble Supreme Court in ***N.C. Daga*** (*supra*) and ***Vinod Kumar Verma*** (*supra*), the Coordinate Bench held that the Revision Petition had become infructuous. The relevant observations are contained in Paragraph No. 9 of the said Order, which reads as under:

“9. In view of the fact that the possession of the demised premises in terms of order dated 28.02.2025 has already been handed over to the respondent/landlord, and the aforesaid observations of the Hon'ble Supreme Court as well as view taken by learned Coordinate Bench, the present petition has become infructuous and the same is disposed of accordingly.”

58. A similar view of taken by a Coordinate Bench of this Court in ***Nathi Lal Chaurasia (since deceased through LR) v. Sushila Devi Jain & Anr.***¹⁵ reiterated that where an Eviction Order has gained fruition and has been implemented through execution proceedings resulting in the landlord obtaining possession in accordance with law, the Revision Petition challenging such Order becomes infructuous. The relevant portion of the said Judgement reads as under:

“15. This Court in various orders including Order dated 14.12.2023 passed in RC. REV. 335/2019 captioned Ajay Kumar v. Ranbir Singh, Order dated 06.12.2023 passed in RC. REV. 52/2023 captioned Govardhan Lal v. Smt. Vidya Rani (Deceased) Through Lrs dated 03.11.2023 passed in RC. REV. 104/2021 captioned Ram Avtar v. Smt. Anuradha Shukla has held that when a Revision

¹⁴ RC.REV. 311/2025, decided on 15.01.2026

¹⁵ 2025:DHC:1664



Petition has been filed challenging an order of learned Trial Court which has now gained fruition and has already been implemented through execution proceedings, in such circumstances, the Revision Petition has become infructuous. In addition, it was held that once possession was taken over by the Respondent/landlord in accordance with law, the Petition becomes infructuous.”

59. Likewise, in **Gulzar Singh & Anr. (supra)**, a Coordinate Bench of this Court, upon noticing that possession of the tenanted premises had already been restored to the landlords in execution of the Warrant of Possession, held the Revision Petition to have become infructuous.

60. The Coordinate Bench, in holding so, relied upon the decision of this Court in **Om Prakash Ashok Kumar & Sons v. Ajay Khurana**¹⁶, which in turn relied various Judgements and Orders of this Court, *inter alia*, in **Poonam Bangia v. Harbhagwan Dass Chandiramani**¹⁷, **Mange Ram v. Rajesh Narain Goel**¹⁸ and **Ram Avtar v. Anuradha Shukla**¹⁹. The relevant portion thereof read as under:

“4. This Court in the judgment dated 26.07.2024 passed in RC.REV. 284/2023 titled as Om Prakash Ashok Kumar & Sons V Shri Ajay Khurana held as under:-

7. The issue which needs Judicial consideration is whether the revision petition which is filed as per section 25B (8) of the Act to impugn the order of eviction as per section 25B of the Delhi Rent Control Act and if during the pendency of the revision petition, the possession is restored back to the landlord/owner, whether, in that eventuality the revision petition is maintainable or not.

8. In N. C. Daga V Inder Mohan Singh Rana 2003 (1) SCC 453 the respondent/landlord filed the petition for eviction primarily on the ground of bona fide requirement which was opposed by the petitioners/tenant. The eviction order was passed as per section 14(1)(e) of the Act in favour of the respondent/landlord with the direction that the possession of the tenanted premises shall not be taken before the expiry of 06 months in terms of section 14(7) of

¹⁶ 2024 SCC OnLine Del 5228

¹⁷ RC. REV. No.16/2021, decided on 22.07.2021

¹⁸ RC. REV. No. 147/2021, decided on 19.03.2024

¹⁹ RC. REV. No. 104/2021, decided on 03.11.2023



the Act. The revision petition before the High Court of Delhi was also dismissed by holding that no prima facie case was made out by the tenant. The Supreme Court dealt with the arguments raised on behalf of the landlord that the petition has become infructuous because the possession has already been taken in pursuant to the execution of the order passed by the rent controller. The Supreme Court has observed that in view of the admitted position that pursuant to the order passed by the rent controller, the possession has already been taken on execution of order permitting eviction did not examine the rival stand of the parties and accordingly dismissed the petition.

9. The Supreme Court in Vinod Kumar Verma V Manmohan Verma & Anr. in Civil Appeal No.5220-5221 of 2008 arising out of SLP (C) nos. 11268-11264/2008 vide order dated 19.08.2008 has also disposed of the appeals as infructuous as the possession of the tenanted premises was taken over by the landlord.

10. This Court in various decisions has followed the decision given by the Supreme Court in N. C. Daga V Inder Mohan Singh Rana. The Co-ordinate Bench of this Court in Poonam Bangia V Harbhagwan Dass Chandiramani in RC. REV. no.16/2021 vide order dated 22.07.2021 after following the law laid down in N. C. Daga V Inder Mohan Singh Rana, dismissed the revision petition after observing that the landlord has received the possession of the tenanted premises through execution proceedings. Another Co-ordinate Bench of this Court in Mange Ram V Rajesh Narain Goel, in RC. REV. no. 147/2021, decided on 19.03.2024 after following N. C. Daga V Inder Mohan Singh Rana and Vinod Kumar Verma V Manmohan Verma & Anr., in Civil Appeal nos. 5220-5221/2008 passed by the Supreme Court and in Poonam Bangia V Harbhagwan Dass Chandiramani in RC. REV no. 16/2021 passed by this Court as mentioned hereinabove also dismissed the revision petition as became infructuous due to the reason that the possession of the subject premises has been restored to the respondent/landlord. The same view was also taken by another Co-ordinate Bench of this Court in Ram Avtar V Anuradha Shukla in RC. Rev. Bearing no. 104/2021 vide order dated 03.11.2023, the revision petition was ordered to be dismissed as the possession of the tenanted premises has already been taken by the respondent/landlord in accordance with law.”

5. Accordingly, in view of the above observations made in the judgment dated 26.07.2024 passed in RC.REV. 284/2023 and as the possession of the tenanted premises has already been restored

Signature Not Verified

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By: HARVINDER KAUR
BHATIA
Signing Date: 02.09.2026
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back to the respondents/landlords in execution of warrant of possession in accordance with law, the present revision petition has become infructuous. Hence, the present petition along with pending application, stands dismissed being infructuous.”

(Emphasis supplied)

61. The aforesaid Judgments, though not exhaustive, sufficiently demonstrate the consistency with which the aforesaid principle has been recognised and applied by this Court. This consistent judicial approach leaves no room for doubt that the legal position in this regard is now well settled and can no longer be regarded as *res integra*.

Legal position emerging from the Judicial precedents

62. The legal position, therefore, which emerges from the aforesaid discussion is that, once a Eviction Order has been acted upon in accordance with law and the landlord has, pursuant thereto, obtained vacant and peaceful possession of the Subject premises, the substratum of the tenant’s challenge to such Order ceases to survive for effective adjudication.

63. In such circumstances, the Revisional Court is no longer in a position to grant any meaningful or executable relief against an Eviction Order which has already attained fruition through execution. Where no independent or surviving relief otherwise preserves a live controversy between the parties, the Revision Petition would consequently be liable to be dismissed as having become infructuous.

64. It is in the backdrop of the aforesaid legal position that the subsequent developments in the present case fall for consideration.

Execution of the Eviction Order & Legal transfer of possession

65. In the present case, the Eviction Order passed by the learned ARC was stayed by this Court *vide* Order dated 28.07.2022. The said



interim protection was subsequently continued by this Court, subject to stipulated terms, including the payment of User and Occupation charges, as recorded in the Order dated 10.12.2024. The relevant portion of the Order dated 10.12.2024 is reproduced herein under for ready reference:

“10. Subject to the payment of user and occupation charges by the Petitioner/tenant, the interim protection granted by this Court on 28.07.2022 shall continue till the next date of hearing.

11. In the event that there is any default in the payment of use and occupation charges on behalf of the Petitioner, interim protection as granted by this Court on 28.07.2022 shall automatically stand dissolved.”

66. The aforesaid position, however, subsequently underwent a material change. Learned counsel appearing for the Respondent has placed across the Bar, an Order dated 23.09.2025 passed by the learned Executing Court, which records that the interim protection granted by this Court had ceased to operate on account of non-payment of the stipulated user and occupation charges, in terms of the Order dated 10.12.2024 of this Court. The learned Executing Court, consequently, proceeded to issue Warrants of Possession in respect of the Subject premises. The relevant portion of the said Order reads as under:

“...It is submitted in the affidavit that stay order/interim protection granted by Hon'ble High Court of Delhi has been vacated as no payment of rent has been received from JD.

Warrants of possession is pressed accordingly.

Issue Warrants of Possession against the JDs on filing of PF as well as an affidavit of the DH to the effect that there is no stay against the eviction order, within 07 working days, returnable for 07.11.2025.”

67. The Warrants of Possession were thereafter executed by the Bailiff on 13.10.2025 and, consequently, vacant and peaceful possession of the Subject premises was delivered to the Respondent.



The subsequent Order dated 07.11.2025 passed by the learned Executing Court records the said execution of the Warrants as also the delivery of possession and, consequently, also records that the execution proceedings stood satisfied. The said Order has also been placed across the Bar and brought to the notice of this Court. The relevant portion thereof reads as under:

“...As per report of bailiff, warrants of possession were executed on 13.10.2025 and vacant and peaceful possession has been handed over to the DH.

LR of DH also states that he has obtained vacant and peaceful possession of the tenanted premises from the JD with the help of Bailiff on 13.10.2025. He further states that the present petition stands satisfied and may be disposed of accordingly.”

Application of the legal principles & consequent infructuousness

68. In the considered view of this Court, the aforesaid developments are not merely collateral to the controversy before this Court, but goes to the very substratum of the relief sought in the present Revision.

69. The Impugned Eviction Order has, in the *interregnum*, been acted upon through the process of execution, culminating in the legal heir of the Respondent obtaining vacant and peaceful possession of the Subject premises. Therefore, the very relief which was sought to be interdicted by the present Petition has already been effectuated through execution.

70. It is equally significant to note that the said possession was neither voluntarily surrendered by the Petitioners nor obtained otherwise than through due process of law. The possession was delivered pursuant to Warrants of Possession issued by the learned Executing Court and was thereafter expressly recorded as having been handed over to the Decree Holder *i.e.*, the legal heir of the



Respondent. The execution proceedings themselves were subsequently recorded as satisfied.

71. The present case thus falls squarely within the circumstances contemplated by the aforesaid line of authorities and the principles distilled therefrom. The Eviction Order has travelled beyond the realm of mere executability and has attained fruition through the process of execution, culminating in the Respondent obtaining vacant and peaceful possession of the Subject premises. The very relief which constituted the foundation of the Impugned Order has, therefore, already been effectuated in accordance with law.

72. In view of the foregoing discussion and the principles enunciated hereinabove, this Court is, therefore, of the considered view that the present Revision Petition has become infructuous and is liable to be dismissed on this ground.

Objection raised by the Petitioners

73. The aforesaid conclusion, however, is sought to be resisted by learned counsel appearing on behalf of the Petitioners, who has raised an objection that, notwithstanding the subsequent delivery of possession, the present Revision ought nevertheless to be adjudicated on merits. The aforesaid contention, however, does not inspire the confidence of this Court.

74. The decision of the Hon'ble Supreme Court in ***N.C. Daga (supra)*** assumes particular significance in this regard. The Hon'ble Supreme Court, in circumstances where possession of the tenanted premises had already been obtained pursuant to execution of the Eviction Order, declined to enter into the finer details of the rival contentions, observing that, once possession had been taken in



execution of the Order permitting eviction, any further examination of the rival stands would amount to “*rendering decision on a purely academic question*”.

75. The distinction between an Eviction Order which is merely executable and one which has actually been executed is, therefore, material. It is not the mere existence or executability of the Eviction Order which renders the Revision infructuous; rather, it is the subsequent execution thereof, coupled with delivery of vacant and peaceful possession to the landlord pursuant thereto, which results in the relief sought in the Revision having already been effectuated.

76. In the present case, that stage has not only been reached but conclusively crossed. The Warrants of Possession have been executed, possession has been delivered, and the execution proceedings have thereafter been recorded as satisfied, rendering the present Petition, as already discussed, infructuous.

Examination of present Petition on merits

77. Ordinarily, having arrived at the aforesaid conclusion, no further adjudication on the merits of the challenge would be warranted. However, the Petitioners have pressed the merits of the present Petition and since the challenge is confined to the narrow issue of *bona fide* requirement, this Court, for the sake of completeness and without treating the same as the basis for disposal of the present Petition, deems it appropriate to examine the said limited contention sought to be raised by the Petitioners upon the merits of the present Petition.

78. Before proceeding to examine the said ground of challenge urged on behalf of the Petitioners, it would be apposite to advert to the



scope and ambit of the revisional jurisdiction vested in this Court under the *proviso* to Section 25-B(8) of the DRC Act.

Limited scope of Revisional Jurisdiction

79. The Hon'ble Supreme Court, in ***Sarla Ahuja v. United India Insurance Co. Ltd.***²⁰, ***Hindustan Petroleum Corporation Ltd. v. Dilbahar Singh***²¹, and, more recently, in ***Abid-Ul-Islam v. Inder Sain Dua***²², has consistently held that the jurisdiction exercised by the High Court under the *proviso* to Section 25-B(8) of the DRC Act is supervisory and revisional in character and cannot be equated with the exercise of appellate jurisdiction.

80. 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.***²³, and ***Sanjeev Hiranandani v. Sunny Grover***²⁴.

81. In ***Abid-Ul-Islam*** (*supra*), the Hon'ble Supreme Court, while elucidating the legislative intendment underlying Section 25-B 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:

²⁰ (1998) 8 SCC 119

²¹ (2014) 9 SCC 78

²² (2022) 6 SCC 30

²³ 2024:DHC:9322

²⁴ 2025:DHC:11285



“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. 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.”

82. 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 25-B(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/RC. 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.

83. In view of the foregoing discussion, the position which emerges is that, while exercising jurisdiction under the *proviso* to Section 25-B(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 Orders suffer from a jurisdictional error, manifest illegality, material irregularity or perversity, or where the conclusion arrived at by the learned ARC/RC is wholly unreasonable or founded upon an erroneous premise of law.



84. It is within the aforesaid limited parameters of revisional scrutiny that the grounds urged on behalf of the Petitioners against the Impugned Order are required to be examined.

Relevant portions of the Impugned Judgement

85. At this juncture, it is appropriate to notice the findings rendered by the learned ARC, with respect to the aspect of *bona fide* requirement of the Respondent. The relevant portion of the Impugned Judgement reads as under:

“Bonafide requirement:-

19. The next element of Section 14 (1) (e) of the DRC Act is whether the need of the petitioner qua the tenanted premises is bonafide or not.

20. In this regard, it is stated that the petitioner is married and is having two sons, Kapil Bhutani and Pawan Kumar Bhutani. The petitioner, whose one son, namely Pawan Kumar Bhutani, whom the petitioner wants to settle in his life by doing some business and for this purpose, the present petition is filed on bonafide ground qua the tenanted shop. It is stated that the respondents are not using the tenanted shop in question and have occupied the same for nothing. But as per the information, the respondents are using the tenanted shop as godown.

21. In leave to defend application, it is stated by the respondents that Pawan Kumar Bhutani, for whose bonafide need, the present petition is filed, has been doing the business of trading of various items, i.e, tubes, pipes and hoses and fitting. For example - Joints, Elbows, Flanges of Plastic, Artificial Guts of Harden Protein, Rigid of Polymers of Ethylene, Tubes of Polythylene, Copper Tubes and Pipe Fittings, etc. for the last 15 years under the Name and Style of Jai Durga Enterprises, having its Principle office at 4932/7, Hauz Qazi, Delhi, from the first floor of the suit property and the said firm of Sh. Pawan Kumar Bhutani happens to be a Sole Proprietor and has been submitting its GST Returns with concerned authorities vide GST No. 07AAHP8849B1ZU. It is stated that the need of the petitioner is neither genuine nor bonafide as Sh. Pawan Kumar Bhutani is not dependent upon the petitioner, either financially or for accommodation because he is bachelor, i.e., unmarried. It is stated that the area where the tenanted premises is situated has become commercialized to the extent of upper floors also and as per the petition, the petitioner is in possession of entire first floor and the business activities are being conducted therefrom by the son of the petitioner.



In reply to leave to defend application filed by the petitioner, it has been admitted that Sh. Pawan Kumar Bhutani is doing business from the first floor of the premises in question. But since 2019, he wanted to start his business from the tenanted shop at ground floor which is convenient and comfortable for him to start business and to continue the business from the suitable premises in question at the ground floor and it is well settled that the landlord is not supposed to sacrifice his convenience and comfort for the sake of tenant. It is stated that Sh. Pawan Kumar Bhutani wants to start his business from the premises in question at ground floor. It is stated that it is well settled that reply to leave to defend is a part of pleadings. It is stated that the petitioner is entitled to decide how and in what manner he should start business and the petitioner is the best judge of his commercial requirement and has got complete freedom in the matter and the petitioner is to decide as to how he would like to start business comfortably. Neither can the tenant nor the Court dictate him in this aspect. Therefore, the ground taken by the respondents is only for the sake of defence, without having any substance. It is stated that it is a well settled law that the Court has to consider the entire material on record including supporting documents to take into consideration the case of the parties and if the tenants plea do not make out any case, then, leave to defend must be refused. It is stated that the Pawan Kumar Bhutani is unmarried and single. The need of the petitioner for her son is genuine and bonafide as the premises in question is convenient and suitable which is situated at the ground floor.

22. Having heard the arguments and perusal of entire material on record show that it is stated by the respondents in their leave to defend application that the petitioner has not disclosed the fact that Sh. Pawan Kumar Bhutani, for whose bonafide need, the present petition is filed, has been doing the business of trading of various items, i.e, tubes, pipes and hoses and fitting. For example - Joints, Elbows, Flanges of Plastic, Artificial Guts of Harden Protein, Rigid of Polymers of Ethylene, Tubes of Polythylene, Copper Tubes and Pipe Fittings, etc. for the last 15 years under the Name and Style of Jai Durga Enterprises, having its Principle office at 4932/7, Hauz Qazi, Delhi, from the first floor of the suit property and the said firm of Sh. Pawan Kumar Bhutani happens to be a Sole Proprietor and has been submitting its GST Returns with concerned authorities vide GST No. 07AAHP8849B1ZU. Therefore, the need of the petitioner is neither genuine nor bonafide because Sh. Pawan Kumar Bhutani is not dependent upon the petitioner, either financially or for accommodation because he is a bachelor/unmarried. It has further been submitted that the area where the tenanted shop is situated has become commercialized to the extent of upper floors also and the petitioner is in the possession of entire first floor and the business activities are being conducted therefrom by the son of the petitioner.



The petitioner in the petition has mentioned that she is married and is having two sons, namely, Kapil Bhutani and Sh. Pawan Kumar Bhutani and she has filed the present petition to settle her son Sh. Pawan Kumar Bhutani in his life by doing some business. She has also admitted in her reply to leave application that her son Sh. Pawan Kumar Bhutani is doing his business from the first floor of the tenanted premises. But since 2019, he wanted to start his business from the tenanted shop at ground floor which is convenient and comfortable for him to start business and to continue the business from the suitable premises in question at the ground floor.

23. In this regard, the Hon'ble High Court in **Rajesh Jain v. Quazi Sammin Ahmad 2015 (2) RLR 438**, has laid down that :-

“since eviction was sought for commercial purposes, it was rightly held that ground floor of the property would be more suitable.”

In another case titled as **“Viran Wali Vs. Keldeep Rai Kochar, cited as 174 (2010) DLT 328”**, it has been laid down by the Hon'ble High Court of Delhi that :-

“any business which is being run from the ground floor will attract more customers than the business being run from the basement and the tenant can not dictate the landlord as to how and in what manner the landlord should use his own property.”

Moreover, in **Kanta Sachdeva & Ors. Vs. A.D. Choudhary bearing R.C. REV. No. 362/2011**, it has been held that:-

“The learned ARC has rightly observed that the upper floors’ halls cannot be used for setting up office for the son of the respondent and in any case, the office on the ground floor from where the sale is to be conducted, is more convenient than on the upper floor. He also observed, and rightly so, that the tenant cannot compel and dictate the landlord to set up the office for his son on the upper floor of the suit premises, which are undisputedly being used for storage of books. It cannot be disputed that the business of sale of books as also the office for the same can be better looked after and managed from the ground floor than from the upper floor. It is well known fact that office situated on the ground floor is more convenient than on the upper floors and the landlord/owner has all the rights and choices to have the business/office for himself or his family members in the premises which is more suitable and convenient, if the bonafide of the landlord is established.”

24. Further, the law regarding the bonafide need has been made clear by the Hon'ble Apex Court in the case titled as **“Sarla Ahuja v. United India Insurance Co. Ltd., reported as AIR 1999 SUPREME COURT 100”**, whereby it was held that :



“.....The crux of the ground envisaged in clause (e) of Section 14(1) of the Act is that the requirement of the landlord for occupation of the tenanted premises must be bona fide. When a landlord asserts that he requires his building for his own occupation the Rent Controller shall not proceed on the presumption that the requirement is not bona fide. When other conditions of the clause are satisfied and when the landlord shows a prima facie case it is open to the Rent Controller to draw a presumption that the requirement of the landlord is bona fide. It is often said by Courts that it is not for the tenant to dictate terms to the landlord as to how else he can adjust himself without getting possession of the tenanted premises. While deciding the question of bonafides of the requirement of the landlord it is quite unnecessary to make an endeavour as to how else the landlord could have adjusted himself....”.

25. In the present petition, the petitioner has mentioned that she requires the tenanted shop for the bonafide need of her son, Sh. Pawan Kumar Bhutani, who wants to start his business and to continue the business from the tenanted shop at ground floor.

26. By applying the ratio of abovesaid judgments in the present matter, it can be said that the Court shall not doubt the bonafide need of the petitioner as asserted by her in her petition. It has also been established that the ground floor is more suitable place to start and to continue any business activity. Hence, it can be said that the petitioner has been able to establish her bonafide need qua the tenanted shop.”

(Emphasis supplied)

Discussion upon the merits of the present Petition

86. A perusal of the aforesaid findings of the learned ARC makes it evident that the learned ARC was conscious of the contention raised by the Petitioners regarding the Respondent's son, Mr. Pawan Kumar Bhutani, already carrying on business from the first floor of the Subject premises. The said aspect was expressly noticed and forms part of the reasoning returned by the learned ARC.

87. The learned ARC, however, proceeded to consider the distinction between the existing business being carried on from the first floor and the requirement pleaded for the ground-floor shop. After considering the material on record and the judgments relied



upon, the learned ARC found that the ground-floor premises would be more convenient and suitable for carrying on the business and, consequently, accepted the *bona fide* requirement pleaded by the Respondent.

88. Significantly, the learned ARC has not proceeded on the premise that the Respondent's son was not carrying on any business. Rather, the existence of the said business was expressly noticed, and the requirement was adjudicated on the basis that the ground-floor premises were sought on the assertion that they would provide greater convenience and suitability for carrying on the business. The mere fact that the Respondent's son was already carrying on business from the first floor, therefore, cannot by itself render the requirement pleaded by the Respondent not *bona fide*.

89. Further, the submission that the Respondent altered or resiled from the case set up in the Eviction Petition also does not, in the facts of the present case, disclose any ground warranting interference. The Reply to the Application seeking leave to defend forms part of the pleadings and was therefore a part of the record and the learned ARC was entitled to consider the pleadings and material placed before it as a whole. The subsequent clarification that the ground-floor premises were sought for greater convenience and suitability in carrying on the existing business cannot, by itself, be characterised as a withdrawal of the original plea of *bona fide* requirement.

90. The contention of the Petitioners, therefore, essentially seeks to invite this Court to re-appreciate the material on record and arrive at a different conclusion as to whether the existing accommodation on the first floor was sufficiently suitable for the Respondent's son. Such an exercise, particularly in the absence of any perversity or manifest



illegality in the reasoning of the learned ARC, would fall outside the limited scope of revisional jurisdiction under Section 25-B(8) of the DRC Act.

Conclusion upon the merits of the present Petition

91. The learned ARC has, therefore, considered the precise objection now sought to be urged by the Petitioners and has returned a reasoned finding upon the same. No jurisdictional error, perversity, material irregularity or manifest illegality is discernible in the approach adopted by the learned ARC so as to warrant interference in the present proceedings.

92. In view of the aforesaid discussion, this Court finds no merit in the challenge raised by the Petitioners on the aspect of *bona fide* requirement. The Impugned Judgement does not suffer from any infirmity warranting interference in exercise of the limited revisional jurisdiction of this Court under Section 25-B(8) of the DRC Act.

93. Thus, even upon the limited examination undertaken hereinabove, this Court finds no merit in the challenge to the finding of *bona fide* requirement returned by the learned ARC.

94. The aforesaid examination, however, does not alter the primary conclusion reached by this Court that, consequent upon execution of the Eviction Order and delivery of vacant and peaceful possession of the Subject premises to the Respondent, the present Revision has ceased to survive for effective adjudication.

DECISION:

95. In view of the principles delineated herein before, application thereof to the facts of the present case and the foregoing discussion thereupon, the present Revision Petition is dismissed as having



become infructuous.

96. It is made clear that the observations made hereinabove, on the merits of the present Petition, are only for the sake of completeness and shall not be construed as the basis for the disposal of the present Petition.

97. The present Petition, along with all pending Application(s), if any, stands disposed of in the aforesaid terms.

98. There shall be no Order as to the Costs.

HARISH VAIDYANATHAN SHANKAR, J.
SEPTEMBER 01, 2026/DJ