

IN THE COURT OF MS. SHEFALI BARNALA TANDON
ADMINISTRATIVE CIVIL JUDGE- CUM- ADDITIONAL RENT CONTROLLER
(CENTRAL) : DELHI

E-15/2014

In the matter of :-

1. Sh. N.K.Goel S/o Late Sh. D.C. Goel
R/o 9958/B, Gali No.4,
New Rohtak Road, Sarai Rohilla,
Karol Bagh, Delhi.
2. Sh. R.K. Goel S/o Late Sh. D.C. Goel
R/o B-2/12-B, Lawrence Road,
Delhi-110035.
3. Sh. Y.K.Goel S/o Late Sh. D.C. Goel
R/o151, Sapna Ghar Society,
Plot No.6-B, Sector-11,
Dwarka, Delhi-1100075.

.....Petitioners

Versus

1. Sh. Vinod Kumar Meena
2. Sh. Manoj Kumar Meena

Both S/o Late Sh. Kali Ram
Both R/o 9958/B, Gali No.4,
New Rohtak Road, Sarai Rohilla,
Karol Bagh, Delhi.

Also at

200, Vivekadanand Puri
Delhi-110007.

.....Respondents

Date of Institution : 13.02.2014
Date of order when reserved : 17.07.2020
Date of order when announced : **29.07.2020** (announced
through video conferencing due
to closure of Courts on account
of COVID-19)

J U D G M E N T:

1. Vide this judgment, the undersigned shall dispose off the present eviction petition filed by the petitioners against the respondents/ tenants Under Section 14 (1) (e) of the Delhi Rent Control Act, 1958 (hereinafter referred to as '*the Act*') in respect of property bearing No.9958/ B-Gali No.4, New Rohtak Road, Sarai Rohilla, Karol Bagh, Delhi, comprising of one room, kitchen & bathroom at the ground floor, one tin shed-cum-room and open verandah at the first floor (hereinafter referred to as "*tenanted premises*"). The site plan showing the tenanted premises portion in red colour is annexed with the petition.

2. The brief facts of the case, as mentioned in the petition are that Sh. Moti Lal Sharma was the owner/ landlord of the property bearing No.9958, Gali No.4, Sarai Rohilla, Rohtak Road, Karol Bagh, Delhi-110005, who executed a registered GPA and SPA in favour of petitioner No.3 namely Sh. Yogender Kumar Goel on 14.04.1982. He also executed a registered receipt for sale consideration, Will and agreement to sell alongwith affidavit in favour of Smt. Sushila Devi W/o Late Sh. D.C.Goel on 14.04.1982. After purchasing the '*tenanted premises*', Smt. Sushila Devi expired intestate on 16.01.2012, leaving behind the petitioners being her legal heirs. Hence, the petitioners are the owners of the demised premises.

3. Originally, the '*tenanted premises*' were let out by the erstwhile owner to the father of the respondent namely Sh. Kali Ram, for residential purpose at the rate of rent of Rs. 18/- per month excluding all other charges. After his death, the tenancy devolved upon the respondents, as per the Law being his legal heirs. The father of the respondents paid rent to the mother of the petitioners for the period April, 1982 to July, 1982 by way of money order. It is also averred that father of the respondents namely Sh. Kali Ram in the year 1985 filed a petition U/s. 45 of the DRC Act, wherein the erstwhile owner of the '*tenanted premises*' submitted that he had sold the '*tenanted premises*' to the mother of the petitioners namely Smt. Sushila Devi and thereafter, Sh. Kali Ram filed an application under order 1 rule 10 CPC for impleading Smt. Sushila Devi by admitting her to be the landlord/ owner. Thus, the tenancy is admitted and there is landlord-tenant relationship between the parties.

4. To explain the bonafide need, it is averred that the petitioner No.1 is occupying and residing in the green portion, as shown/mentioned in the site plan along with his family consisting of his wife, one son namely Sh. Kisley, daughter-in-law and grand-children. However, his other son namely Sh. Vakul Goel is residing at 6-A/18A, Second Floor, W.E.A, Karol Bagh, New Delhi on rent with his wife and son due to insufficient space under occupancy of petitioner no.1 and both of them are employed at Gurgaon, Haryana for their livelihood. In their absence, there is no one to look after their 5 year old minor son, therefore, Sh. Vakul requires the '*tenanted premises*' for his residence, so that his child is looked after in their absence by the petitioner No.1 & his wife, being grand-parents.

5. Further, the petitioner No.1 is the eldest in the family and all the petitioners visit him in the suit property to celebrate all the festivals and the said premises is too small to accommodate all the family members. The petitioner no.1 is also not able to accommodate his sisters, when they visit him for stay. The petitioner does not have any other alternate suitable accommodation for himself or for his family members. Hence, the eviction petition has been filed with prayer to pass an eviction order against the respondents in respect of the '*tenanted premises*'.

6. Accordingly, notice was served upon the respondents and vide order dated 16.03.2015, the leave to defend application of the respondents was allowed by the Ld. Predecessor of this Court on the purported need of the petitioner No.1 for additional accommodation.

7. Written statement has been filed by the respondents, wherein the allegations levelled by the petitioners are denied in general and it is specifically stated that the present petition is not maintainable, being barred by the provisions of Order 2 Rule 2 of CPC. It is further contended that two eviction petitions bearing No.E-3/15 and 48/14 have already been filed by the petitioners against them on the same facts. Further, the petitioners have mentioned the number of the property wrongly as 9958-B and there is no property with the aforesaid number in the records of the authorities and till date, no partition of the said property has taken place, as alleged by the petitioners. Even, as per the documents filed by the petitioners on record, the property is shown bearing number as XVI/9958.

8. Further, the alleged story of purchase of the suit property by the mother of petitioners from the owner/ landlord of the respondents namely Late Sh M.L. Sharma and acquiring the property by the petitioners through their mother is totally false, baseless and concocted one. The alleged documents of sale in favour of the mother of the petitioners are forged, fabricated and manipulated one and it does not create any right, title and interest in favour of the mother of the petitioner or in favour of the petitioners. The mother of the petitioners never became the legal owner of the premises in question after the alleged execution of sale documents by Late Sh. M.L. Sharma in her favour. Neither Late Sh. M.L.Sharma during his lifetime nor any of his legal heirs ever legally sold and transferred the said property to the mother of the petitioners at any point of time and the said documents does not bear any signature of Late Sh. M.L. Sharma. The LRs of Sh. Moti Lal Sharma have not been impleaded as a party to the suit/petition, hence it is bad for non-joinder of necessary parties. In fact, the petitioners have no legal right or title to file the present petition against the respondents. The petitioners or their mother neither informed the respondents or their father about the alleged purchasing of the suit property by them from Late Sh. Moti Lal Sharma nor served any legal notice for demanding any arrears of rent. **It is stated by the respondents that they are the very old tenants in the 'tenanted premises' under Late Sh. Moti Lal Sharma, as their father was a tenant in the said premises since the year 1957.** Hence, the present eviction petition is not maintainable against the respondents and the same may kindly be dismissed.

9. Further, they have never paid any rent to the petitioners or to their mother and they never represented themselves as tenants under the petitioners or their mother. Hence, in the absence of any relationship of landlord and tenant between them, the petitioners cannot file and pursue the present petition against them for seeking their eviction from the 'tenanted premises'. It is also denied by the respondents that their father paid rent to the mother of the petitioners for the period April, 1982 to July, 1982 by way of money order.

10. It is further contended that the petitioner No.1 is in possession of the three rooms, two covered verandahs, one store, staircase on the ground floor and three rooms, latrine, bathroom & open terrace at the first floor. Besides this, he has common passage

of more than 7 feet wide on the southern side of the said built up property on land measuring 110 sq. yards approx. The petitioner No.1, his son and their family members only require 3-4 rooms though they are already in possession of more than 8 rooms. Further, the petitioner No.1 has not disclosed the fact of other properties owned by him as well as his family members. Even the site plan filed by the petitioners alongwith the petition only shows the '*tenanted premises*' in red colour and the remaining portion has not been highlighted. The alleged story of paucity of accommodation is cooked up one and has been shown only to seek eviction of respondents from the premises in possession of the respondents. The petition of the petitioners is based on false & misconceived facts and thus, the same is liable to be dismissed. It is further contended that the alleged need of the petitioner No.1 and his son namely Sh. Vakul Goel is nothing but a tactic adopted by them to seek the eviction of the respondents.

11. In order to substantiate the case, the petitioner no.1 namely Sh. N.K. Goel examined himself as PW-1 and Sh. Manoj Kumar Sharma as PW-2. The relevant portion of their testimony is reproduced below.

PW-1 Sh. N.K.Goel tendered his evidence by way of affidavit, which is **Ex.PW1/A** and re-iterated the averments made in the petition. He relied upon documents i.e. site plan as **Ex.PW1/1**; copy of GPA bearing the signatures of Sh. Moti Lal, the witnesses Sh. Lekhram and Sh. Manoj Sharma as **Ex.PW1/2**; SPA as **Ex.PW1/3**; receipt as **Ex.PW1/4**; Will as **Ex.PW1/5**; agreement to sell as **Ex.PW1/6**; affidavits as **Ex.PW1/7 & Ex.PW1/8**; notice from the court of Sh. M.L. Mehta as **Ex.PW1/9**; the money order coupon as **Ex.PW1/10 (OSR)**; certified copy of the written statement filed by respondents in eviction petition No.15 as **Ex.PW1/11** and certified copy of statement of Manoj Sharma as **Ex.PW1/12**.

During his cross-examination, he admitted that petitioners are having one drawing room, one store, one kitchen and covered verandah at ground floor and two rooms, open terrace, latrine, bathroom and balcony at the first floor. He also stated that in the store, there is one window, one gate and only one bed can be accommodated in the same, however he denied the suggestion that he is using the store as a bedroom and has wrongly mentioned the same as a store in order to show the paucity of accommodation. He also admitted that Sh. Moti Lal Sharma was the owner of the suit property and has not imp-leaded the legal heirs of Sh. Moti Lal in the present petition. He denied the suggestion that the receipt of the money order filed by him is forged and

fabricated. He further denied the suggestion that Sh. Kali Ram used to put his signatures always in English and not in Hindi. He also denied the suggestion that the document Ex.PW1/10 did not bear the signature of Sh. Kali Ram. **He deposed that his son Sh. Vakul Goel has not purchased any property in his name till date and he also does not possess any other property as owner.** The house at Dev Nagar, where they resided was allotted to his father, as he was Govt. servant and they left the same after the retirement of his father. He denied the suggestion that the document Ex.PW1/6 is not a proper and valid document, as it does not bear the date of execution. He also denied the suggestion that the affidavit Ex.PW1/7 is bogus document, as it does not bear the date of execution and its attestation. He admitted that the document Ex.PW1/8 is not an attested document but denied that the same is not a legal document. **He admitted that the property sold by Sh. Moti Lal was numbered as 9958/B, Sarai Rohilla, Delhi and that the word "B" has not been mentioned on the affidavits Ex.PW1/8 and on the GPA Ex,PW1/2 as well.** He also admitted that at the front and back side of the document Ex.PW1/10, no date, month or year has been mentioned but denied that it does not bear any stamp of the post office and the same is manipulated one. He further admitted that the area of accommodation which is on the ground floor is similar to his accommodation on the first floor.

12. **PW-2 Sh. Manoj Kumar Sharma** tendered his evidence by way of affidavit, which is **Ex.PW2/A, wherein he has deposed that his grandfather Sh. Moti Lal Sharma executed a registered GPA,SPA and agreement to sell in his presence on 14.04.1982 and he signed as a witness at point C on the aforesaid documents. He also identifies the signatures of his grandfather upon documents already Ex.PW1/1 to Ex.PW1/8.**

During his cross-examination, he admitted that he had not signed receipt Ex.PW1/4 and Will Ex.PW1/5 as a witness on 14.04.1982 (however he has already explained the reason in his affidavit Ex PW/2A itself). He admitted that he did not see any document of ownership with the petitioner except the documents filed by him in the Court record.

No other witness has been examined on behalf of the petitioners and petitioner's evidence was closed vide order dated 27.01.2018.

13. In rebuttal, **Sh. Vinod Kumar Meena/ respondent no.1** got examined himself as

RW-1 and tendered his evidence by way of affidavit, which is Ex.RW1/A and reiterated the contention raised in the WS. He also relied upon documents i.e. Ex.RW1/1 to Ex.RW1/5. (Objected to as Ex.RW1/5 is not signed by Sh.Kali Ram and the other documents for mode and manner of proof).

During his cross-examination, he admitted that none of the documents i.e. Ex.RW1/1 to Ex.RW1/5 bear the stamp of the authority with whom the same was allegedly submitted, however he denied the suggestion that all the aforesaid documents are forged & fabricated and therefore they were not submitted to the addressee of the same. He also admitted that he does not have any document to show the signature of Sh. Kali Ram, which might have submitted to any Government Authority or Department. **He further admitted that the site plan filed by the petitioner is correct, however the direction mentioned therein are incorrect.** The meaning of wrong direction in the site plan filed by the petitioners is that the petitioners have filed the site plan pertaining to the other property and not in respect of the '*tenanted premises*'. **He stated that there is no portion in his tenancy and Sh. Moti Lal was the owner of the land but not of the superstructure and Sh. Moti Lal gave the said portion to his father for residence free of cost and there was no writing on his behalf.** He was confronted with his WS where there is no such mention. **He stated that no writing work took place between his father and Sh. Moti Lal or the father of Sh. Moti Lal in order to allow his father to raise superstructure at their cost and also he has not paid any house tax at any point of time. He deposed to have mentioned in his WS that he is the owner of the property, however, he does not have any document to show his ownership qua the '*tenanted premises*'. He stated that his father and grand-father constructed the superstructure in 1952, however there is no document to show that.** He denied the suggestion that since he is not the owner, therefore, he did not apply to the house tax department for mutation.

He admitted that the petitioners got the ownership document registered in U.P. therefore, he did not inquire therefrom. He also admitted that Sh. Manoj Sharma is the grandson of Sh. Moti Lal. Even, he did not lodge any complaint against the petitioners anywhere regarding the filing of the forged and fabricated documents regarding ownership. **The portion shown in green in site plan Ex. PW1/1 is occupied by the petitioners, the portion shown red is occupied by him** and in the yellow portion, 3-4 persons are residing as a tenant of his mother and now his son is realizing rent from the tenants, since his mother has expired. He

deposed to have never entered the premises of the petitioners, hence, he could not point out the alleged 8 rooms in their possession.

No other witness has been examined on behalf of the respondents and respondents' evidence was closed vide order dated 25.01.2020.

14. Written final arguments have been filed on behalf of both the parties, wherein the facts have been reiterated. Oral arguments were also heard through video conferencing. The entire case file has been perused carefully including the written arguments.

15. Now, before appreciating the present facts of the case, let's discuss the basic law on the point. The essential ingredients which a landlord/ petitioner is required to prove for the purpose of getting an eviction order for *bona fide* need are as follows:-

(i) the petitioner is the owner of the suit/tenanted premises and there is landlord-tenant relation,

(ii) the suit premises are required *bona fide* by the landlord for himself or any of his family members dependent upon him, and

(iii) the landlord or such other family members has no other reasonable suitable accommodation.

16. Lets discuss the first ingredient in detail :-

(i) Ownership as well as existence of landlord-tenant relationship :-

It is the case of the petitioners that Sh. Moti Lal got executed the registered GPA and SPA which are exhibited as Ex.PW1/2 & Ex.PW1/3 qua property bearing No. 9958/B, Gali No.4, New Rohtak Road, Sarai Rohilla, Karol Bagh, Delhi comprising of the '*tenanted premises*' in favour of petitioner No.3 namely Sh. Yogender Kumar Goel and also got executed a registered receipt for sale consideration, Will and agreement to sell alongwith affidavit which are exhibited as Ex.PW1/4, Ex.PW1/5, Ex.PW1/6, Ex.PW1/7 & Ex.PW1/8 in favour of mother of the petitioners namely Smt. Sushila Devi W/o Late Sh. D.C.Goel on 14.04.1982. After the death of Smt. Sushila Devi, the '*tenanted premises*' had devolved upon her legal heirs respectively, herein petitioner No.1 to 3, who have acquired the right/ share in the '*tenanted premises*'.

However, the respondents have denied the ownership of all the petitioners by contending that the alleged documents of sale in favour of the mother of the petitioners

are forged, fabricated and manipulated one and it does not create any right, title and interest in favour of the mother of the petitioner or in favour of the petitioners. The mother of the petitioners never became the legal owner of the premises in question after the alleged execution of sale documents by Late Sh. M.L. Sharma in her favour. Neither Late Sh. M.L.Sharma during his lifetime nor any of his legal heirs ever legally sold and transferred the said property to the mother of the petitioners at any point of time and the said documents does not bear any signature of Late Sh. M.L. Sharma. The respondents have not disputed the ownership of Sh. Moti Lal Sharma (erstwhile owner) and as per record, petitioners examined PW-2 Sh. Manoj Sharma(grandson of Sh. M.L.Sharma), who is the attesting witness of the registered General Power of Attorney, Special Power of Attorney and Agreement to Sell, and who categorically deposed that these documents were executed in his presence and he put his signature as witness at point C on the aforementioned documents. He further categorically deposed that Sh. Moti Lal (erstwhile owner) had signed these documents in his presence and also in the presence of another witness Sh. Lekh Ram, whose signatures are at point-B.

17. All the documents and testimony on record prima facie point towards the ownership of the mother of the petitioners and after her death, petitioners became the owner of the 'tenanted premises' being her class-I legal heirs. At this stage, the Court is also guided by the following judgments of the Superior Courts :-

Judgment delivered by **Hon'ble Apex court in *Shanti Sharma Vs. Ved Prabha AIR, 1987, SC 2028***, where it has been held that, "ownership is not to be understood as absolute ownership but only as a title better than the tenant".

Judgment delivered by our Hon'ble High Court in ***Rajendra Kumar Sharma & Ors Vs. Leelawati & Ors 155 (2008) DLT 383*** wherein it has been held that, "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".

18. The relation of the present petitioners with Smt. Sushila Devi has not been disputed or denied by the respondents. Therefore, all the LRs of Smt. Sushila Devi stepped into her shoes after her death and became the landlords of the 'tenanted premises' as per section 2 (e) of the Delhi Rent Control Act, 1958.

19. Further, the contention of the respondents that the present petition is bad for mis-

joinder of the necessary party, as petitioners have not impleaded the legal heirs of the erstwhile owner, does not hold water when the sale documents and testimony of attesting witness qua the sale of the demised premises by the erstwhile owner to the mother of petitioners is on record.

20. The contention of respondent that they are the owners of the suit property is a sham defence in view of the admission made by them in their WS that they are very old tenants in the 'tenanted premises' in question under Late Sh. Moti Lal Sharma as their father was a tenant in the 'tenanted premises' since 1957. The rate of rent has also not been disputed by the respondents in their written statement. No site plan has been filed by the respondents/tenants. The contention regarding mentioning of wrong property number is also not tenable when the property is identified and petitioner no 1 is residing there and only seems to be a clerical error only. It is well settled that the technicalities shall not come in way of administration of justice.

21. Further, it is averred by the petitioners that the father of the respondents paid rent to the mother of the petitioners for the period April, 1982 to July, 1982 by way of money order. The respondent contended that the money order receipt is forged but did not examine any witness from postal authorities to prove his contention. It is also averred that father of the respondents namely Sh. Kali Ram in the year 1985 filed a petition U/s. 45 of the DRC Act, wherein the erstwhile owner of the 'tenanted premises' submitted that he had sold the 'tenanted premises' to the mother of the petitioners namely Smt. Sushila Devi and thereafter, Sh. Kali Ram filed an application under order 1 rule 10 CPC for impleading Smt. Sushila Devi by admitting her to be the landlord/owner. The averment has been supported by ExPW1/9. Thus, the tenancy is admitted and there is landlord-tenant relationship between the parties.

22. **With this background, the ownership of petitioners over the 'tenanted premises' as well as existence of landlord-tenant relationship between the petitioners and the respondents stand established.**

23. Coming to the second ingredient that **(ii) the landlords require the tenanted premises bonafidely for themselves or any member of their family depended upon them.**

As per the case of the petitioners, the '*tenanted premises*' are required bonafidely for one of the sons of petitioner No.1 namely Sh. Vakul Goel and details given are as follows:-

- (a) That the petitioner no.1 is in occupation of one drawing room, one store, one kitchen and covered verandah at ground floor and two rooms, open terrace, latrine, bathroom and balcony at the first floor, in which he is residing with his wife and one of his sons namely Sh. Kislay Goel and his family.
- (b) The son of the petitioner No.1 namely Sh. Vakul Goel is residing in a rented accommodation at Karol Bagh, Delhi alongwith his wife and 5 years old child, due to paucity of space.
- (c) Sh. Vakul Goel and his wife intend to shift in the '*tenanted premises*' as they both are working and there is no body to look after their 5 years old minor child in their absence.
- (d) That the petitioner No.1 is the eldest brother of the petitioner No.2 & 3 and all the petitioners pay visit to celebrate all the festivals at the property in question in honour and respect of their eldest brother and for this purpose, the said premises have space crunch to accommodate all the family members. Even when the sisters of the petitioners visit them for stay, they are unable to accommodate them due to space crunch.

24. Per contra, respondents have stated that petitioner No.1 is already having 8 rooms in his possession and out of which, 3/ 4 are vacant. However, respondents have not filed any site plan in support of their contentions, hence, this Court has no option but to accept the averments of the petitioner disregard to the site plan. even the respondent no.1 has admitted the correctness of the site plan of the petitioner as RW-1.

25. Regarding the bonafide requirement of the landlord, the Court is guided by the following case laws on the point :-

(i) **In Sarwan Dass Bange Vs. Ram Prakash, 167 (2010) DLT 80 = 2010 IV AD (Delhi) 252**, observations made by Hon'ble Supreme Court in **Baldev Singh Bajwa Vs. Monish Saini, VIII (2005) 12 SCC 778**, have been quoted as under :-

"...It was held that these restrictions and conditions inculcate inbuilt strong presumption that the need of the landlord is genuine; the conditions and restrictions imposed on the landlord make it virtually improbable for the landlord to approach the

Court for ejection of the tenant, unless his need is bonafide - no unscrupulous landlord in all probability, under this section, would approach the Court for ejection of the tenant considering the onerous conditions imposed on him. It was further held that this inbuilt protection in the Act for the tenants implies that whenever the landlord would approach the Court his requirements shall be presumed to be genuine and bonafide. It was further held that a heavy burden lies on the tenant to prove that the requirement is not genuine. The tenant is required to give all the necessary facts and particulars supported by documentary evidence if available to prove his plea in the affidavit itself so that the Controller will be in a position to adjudicate and decide the question of genuine or bona fide requirement of the landlord; a mere assertion on the part of the tenant would not be sufficient to rebut the strong presumption in the landlord's favour that his requirement of occupation of the premises is real and genuine.”

(ii) Hon'ble Supreme Court in ***Dattatraya Laxman Kamble Vs. Abdul Rasul Moulali Kotkunde, (1999) 4 SCC 1*** held that the phrase “reasonably and bona fide required by the landlord” is not to be tested on par with “dire need” of a landlord because the latter is a much greater need.

(iii) Similarly, in ***Raghunath G. Panhale Vs. Chaganlal Sundarji & Co., (1999) 8 SCC 1*** it was held that the word “reasonable” connotes that the requirement or the need is not fanciful or unreasonable but need not also be a “compelling” or “absolute” or “dire necessity”. A reasonable and *bonafide* requirement was held to be something in between a mere desire or wish on the one hand and a compelling or dire or absolute necessity on the other hand.

In view of the above case laws and testimony of witnesses, there seems no malafide intention on the part of the petitioners seeking possession of the ‘tenanted premises’ and the bonafide need appears to be genuine.

26. Now coming to the last ingredient **(iii) Non-availability of reasonably suitable alternative accommodation.**

It is the case of the petitioners that the son of the petitioner No.1 namely Sh. Vakul Goel is residing in a rented accommodation and hence needs the ‘tenanted premises’ for his residence. However, the respondent has not disputed the said fact of

him residing in a rented accommodation specifically. Neither the respondent has disclosed the particulars of alternative accommodation of the petitioners in his written statement nor in his evidence. Further, when questioned, the petitioner as PW-1 deposed that his son Sh. Vakul Goel has not purchased any property in his name till date and he also does not possess any other property as owner.

27. Reliance is placed upon judgment delivered in a case titled as **Ramesh Chand Vs. Uganti Devi, 157 (2009) DLT 405**, wherein it has been clearly held that *“a tenant who alleges that landlord has at his disposal other accommodation has to place before the Controller, some material to show that the landlord has a specific alternative accommodation at his disposal. Mere bald allegation with respect to availability of additional accommodation with the petitioner does not hold any basis and cannot be a basis to deny the petitioner of his right to vacate the tenanted premises for his bonafide requirement”*.

28. Reliance is also placed upon judgment delivered by the Hon'ble Supreme Court in case titled as **“Ragavendra Kumar Vs. Firm Prem Machinery & Company”**, AIR 2000 SC 534, wherein it was observed by the Apex Court that *it is settled position of law that the landlord is best judge of his requirement for residential or business purpose and he has got complete freedom in the matter* (reference made to judgment in **“Prativa Devi Vs. T.V. Krishnan (1996) 5 SCC 353**).

It is also well settled law that the landlord is master of his choice and the tenant or the Court cannot compel a landlord to choose a particular place against his choice.

With this background, it seems that the petitioner(s) do not have any reasonably suitable alternative accommodation for themselves as well as for their family members except the 'tenanted premises'.

29. Even the contention of the respondents regarding seeking permission of the competent authority of Slums is not tenable as it is well settled law that for the petition U/s 14(1)(e) of the Act, such permission is not required.

30. In view of the aforesaid discussion, this Court is of the considered opinion that the petitioner(s) have proved all the necessary ingredients of Section 14 (1) (e) of Delhi Rent Control Act, 1958. Accordingly, an eviction order is passed U/s 14 (1) (e) of DRC

Act in favour of the petitioners and against the respondents in respect of one room, kitchen & bathroom at the ground floor, one tin shed-cum-room and open verandah at the first floor of property bearing No.9958/B-Gali No.4, New Rohtak Road, Sarai Rohilla, Karol Bagh, Delhi. The site plan in red colour is annexed with the petition. **This order shall not be executable before the expiry of six months from the date of this order as provided U/s 14 (7) of DRC Act.** Parties to bear their own costs.

File be consigned to Record Room.

Announced in the open court
through VC on **29.07.2020**

(SHEFALI BARNALA TANDON)
Administrative Civil Judge -cum-
Additional Rent Controller
(Central) Delhi

(This judgment contains 14 pages in total)