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

% ***Judgment reserved on: 16.09.2026***
Judgment pronounced on: 20.11.2026

CNR No. DLHC010346322019

\+ RC.REV. 499/2019, CM APPL. 38031/2019 (Stay), CM APPL. 7006/2022 (Subsequent events) & CM APPL. 9241/2026 (Subsequent events)

NAYABUDDIN .....Petitioner
Through: Mr. Aly Mirza, Advocate

versus

PARVEEN SINGH .....Respondent
Through: Appearance not given

CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN SHANKAR

J U D G M E N T

HARISH VAIDYANATHAN SHANKAR, J.

1. The present Revision Petition has been preferred by the Petitioner-Tenant under Section 25-B(8) of the **Delhi Rent Control Act, 1958**[1], assailing the **Judgment and Order dated 18.04.2019**[2] passed by the **learned SCJ-Cum-Rent Controller (West), Tis Hazari Courts, Delhi**[3], in Eviction Petition No. E-25596/2016, titled "*Smt. Parveen Singh v. Sh. Nayabuddin"*, whereby the Eviction Petition filed under Section 14(1)(e) read with Section 25-B of the DRC Act was allowed in respect of the tenanted premises bearing **No. WZ-30C, Virender Nagar, Delhi - 110058**[4].

[1] DRC Act
[2] Impugned Judgment
[3] learned Rent Controller
[4] Tenanted Premises

2. Along with the Revision Petition, this Court is also called upon to consider the Applications, being CM APPL. 7006/2022 and CM APPL. 9241/2026, seeking to bring subsequent events on record, particularly the demise of the original Respondent, Smt. Parveen Singh, and her husband, during the pendency of the present proceedings.

3. The principal controversy requiring consideration is whether the subsequent demise of the original Respondent and her husband, after an order of eviction had already been passed in their favour, has the effect of extinguishing the *bona fide* requirement on the basis of which the Eviction Order was granted, thereby warranting interference by this Court in exercise of its revisional jurisdiction.

BRIEF FACTS:

4. The original Respondent, Smt. Parveen Singh, instituted an Eviction Petition under Section 14(1)(e) read with Section 25-B of the DRC Act against the Petitioner herein, seeking his eviction from one shop measuring approximately 11 feet × 12 feet, situated at property bearing No. WZ-30C, Virender Nagar, Delhi - 110058. It was pleaded that the Petitioner had been inducted as a tenant in the said premises by the father of the original Respondent, and that pursuant to a registered Sale Deed dated 08.08.2003 and a subsequent Gift Deed dated 01.10.2011, the original Respondent had acquired ownership rights in the property and had become the landlady of the Petitioner.

5. The original Respondent asserted that she was residing in rented accommodation at WZ-79C, Top Floor, Gali No. 8, Virender Nagar, Delhi, whereas her husband was operating a computer coaching institute under the name and style of *Compworld Information Technology*. It was further pleaded that the institute required

additional space for accommodating its students and conducting classes. The original Respondent also asserted that she was working as an LIC agent and required suitable space for establishing an office in the tenanted premises to attend to her clients. In addition, the requirement of the premises for residential purposes for herself and her family was also pleaded.

6. The Petitioner-Tenant contested the Eviction Petition and sought leave to defend, which was granted by the learned Rent Controller *vide* Order dated 21.08.2013. Thereafter, the Petitioner filed his Written Statement, *inter alia*, disputing the *bona fide* requirement pleaded by the original Respondent and alleging that the computer coaching institute was a sham arrangement created to secure eviction. The Petitioner also raised objections concerning the ownership of the property, previous litigation between the parties and the availability of alternative accommodation. The original Respondent filed her Replication, reiterating the averments made in the Eviction Petition and denying the contentions raised by the Petitioner.

7. During the pendency of the eviction proceedings, the Petitioner filed an Application seeking to bring subsequent facts on record, contending that the original Respondent had shifted along with her family to the first floor of the property in question and that the computer institute allegedly being operated by her husband had ceased to exist. The learned Rent Controller allowed the said Application, noting that the original Respondent had not specifically denied the assertion regarding her shifting to the upper floor. Thereafter, the original Respondent examined herself as PW-1 and closed her

evidence on 30.10.2014, whereas the Petitioner examined himself as RW-1 and closed his evidence on 01.02.2017.

8. Upon completion of the evidence, the learned Rent Controller heard the final arguments and granted the parties an opportunity to file written submissions *vide* Order dated 10.10.2018. After considering the pleadings, evidence and written submissions of the parties, the learned Rent Controller, *vide* Judgment dated 18.04.2019, allowed the Eviction Petition and held the original Respondent entitled to recover possession of the tenanted premises.

9. Aggrieved by the aforesaid Judgment, the Petitioner preferred the present Revision Petition. During its pendency, the husband of the original Respondent passed away on 22.04.2021, followed by the demise of the original Respondent on 27.04.2021. They were survived by their daughter, Ms. Kashvi Singh, who was subsequently brought on record as the legal representative of the deceased Respondent *vide* Order dated 30.09.2024. The Petitioner thereafter filed Applications seeking to bring the aforesaid subsequent events on record, contending that the demise of the original Respondent and her husband had extinguished the *bona fide* requirement forming the basis of the eviction order. The aforesaid Applications have been opposed by the surviving legal representative, who maintains that the subsequent demise of the original Respondent and her husband, after the Impugned Judgment had already been passed, does not extinguish the rights accrued thereunder.

SUBMISSIONS ON BEHALF OF THE PARTIES:

10. Learned counsel appearing on behalf of the Petitioner submitted that the very foundation of the Impugned Judgment has ceased to exist in view of the subsequent demise of the original Respondent and her

husband. It was contended that the *bona fide* requirement pleaded in the Eviction Petition was for expansion of the computer coaching institute being operated by the husband of the original Respondent as well as for the opening up of an office for the Respondent. It was pointed out that, even during the pendency of the eviction proceedings, an Application bringing to the notice of the learned Rent Controller the closure of the said institute had been allowed. Despite the same, the learned Rent Controller proceeded to pass the Eviction Order dated 18.04.2019.

11. It was further submitted that the husband of the original Respondent passed away on 22.04.2021, followed by the demise of the original Respondent on 27.04.2021. Consequently, neither the requirement for expansion of the computer institute nor the personal requirement of the original Respondent for establishing an office for her LIC agency or for residential purposes survives.

12. Learned counsel contended that although Ms. Kashvi Singh, being the daughter and sole legal heir of the deceased Respondent, may succeed to the estate and ownership rights, such succession would not automatically result in the continuation of the specific personal requirements pleaded by her deceased parents. Any independent *bona fide* requirement that may presently exist in favour of the daughter would constitute a fresh cause of action and cannot retrospectively sustain the Eviction Order passed on the basis of the requirements of the deceased persons.

13. In support of the aforesaid submissions, learned counsel placed reliance upon ***V. Ramanathan v. Kalawati (Deceased) through LRs & Anr.***[5]; ***Gurinder Singh v. Jasjit Kaur***[6]; ***Kedar Nath Agrawal***

[5] 1987 SCC OnLine Del 353

(Dead) & Anr. v. Dhanraji Devi (Dead) by LRs & Anr.[7]; and ***Gaya Prasad v. Pradeep Srivastava***[8]. On the strength of the aforesaid decisions, it was urged that subsequent events materially affecting the existence of the *bona fide* requirement are required to be taken into consideration by the Court, and that the demise of the original Respondent and her husband has completely eclipsed the requirement forming the basis of the eviction order. Accordingly, it was prayed that the subsequent-event Applications be allowed and the Impugned Judgment be set aside.

14. ***Per contra***, learned counsel appearing on behalf of the Respondent, through her legal representative, opposed the submissions advanced by the Petitioner and contended that the subsequent demise of the original Respondent and her husband, having occurred after the Impugned Judgment had already been passed in their favour, does not extinguish the rights accrued under the said Judgment. It was submitted that the *bona fide* requirement had been duly adjudicated by the learned Rent Controller after a full-fledged trial and that the subsequent death of the original Respondent during the pendency of the Revision Petition cannot, by itself, render the Impugned Judgment unsustainable. It was further contended that the surviving daughter, Ms. Kashvi Singh, has succeeded to the estate of the deceased Respondent and is entitled to defend the Impugned Judgment passed in favour of her predecessor-in-interest.

15. Learned counsel further submitted that the Judgments relied upon by the Petitioner are distinguishable on facts and cannot be construed to lay down an absolute proposition that the death of a

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[6] 2019 SCC OnLine Del 11393
[7] (2004) 8 SCC 76
[8] (2001) 2 SCC 604

landlord during the pendency of a revision petition would necessarily result in the extinguishment of an eviction order already passed in his or her favour. It was emphasised that the *bona fide* requirement pleaded in the Eviction Petition was not confined merely to the computer coaching institute operated by the husband of the original Respondent, but also included the requirement for an LIC office and residential purposes. The survival of the daughter, therefore, assumes significance while examining the effect of the subsequent events upon the Impugned Judgment.

16. In support of the aforesaid submissions, learned counsel placed reliance upon ***Shakuntala Bai & Ors. v. Narayan Das & Ors.***[9]; ***Keshav Bhaurao Yeole (Dead) through LRs v. Murlidhar (Dead) & Ors.***[10]; ***Gopal Krishan v. Vijay Kumar Aggarwal & Anr.***[11]; and ***Raghuabir Saran v. Jai Bhagwan***[12]. On the basis of the aforesaid decisions, it was urged that the subsequent demise of the original Respondent and her husband does not warrant setting aside the Impugned Judgment, and the Revision Petition is liable to be dismissed.

ANALYSIS:

17. This Court has heard learned counsel for the parties and perused the material placed on record, including the Impugned Judgment, the Applications seeking to bring subsequent events on record, as well as the replies thereto.

[9] (2004) 5 SCC 772
[10] 2023 SCC OnLine SC 1362
[11] 2024 SCC OnLine Del 1757
[12] 2026 SCC OnLine Del 3372

18. Before examining the contentions advanced on behalf of the Petitioner, 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. The jurisdiction exercised by this Court is supervisory and revisional in nature and is distinct from the jurisdiction exercised by an Appellate Court. The High Court is not expected to substitute its own findings for those recorded by the learned Rent Controller merely because another view may be possible on the material available on record.

19. In ***Abid-Ul-Islam v. Inder Sain Dua***[13], the Hon'ble Supreme Court, while examining the scope of the revisional jurisdiction under the proviso to Section 25-B(8) of the DRC Act, held that the legislative intent behind the provision is to exclude an appellate remedy and confer upon the High Court a limited power of superintendence over the decision-making process of the learned Rent Controller. It was observed that the High Court is required to satisfy itself that the order passed by the learned Rent Controller is in accordance with law and cannot undertake a reappreciation of the evidence or substitute its own conclusions as though exercising appellate jurisdiction. Interference is warranted only where the decision suffers from an illegality, material irregularity or an error apparent on the face of the record. The Hon'ble Supreme Court observed as under:

> "**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

[13] (2022) 6 SCC 30

> 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."

20. The aforesaid principles have to be borne in mind while examining the challenge raised in the present Revision Petition. The Impugned Judgment has been passed after the parties were afforded an opportunity to lead evidence and the learned Rent Controller considered the respective pleadings, evidence and submissions before arriving at its conclusions. This Court, therefore, would not be justified in reopening the entire factual adjudication merely because the Petitioner seeks to place subsequent developments before this Court. The question is whether the subsequent events relied upon are, in law, of such a nature as to warrant interference with the order passed by the learned Rent Controller.

21. At this juncture, this Court deems it appropriate to reproduce herein below the relevant findings rendered by the learned ARC in the Impugned Order on the issue of bona fide requirement, which read as under:

> "***(b). Bonafide need of the petitioner(s)/ family member(s)/ dependent(s).***
> **8.(b)(i)** It is the case of the petitioner that she is residing in a tenanted premises. The application of the respondent for bringing on record subsequent facts has been allowed. In the application, it is stated that due to the shifting of the petitioner to the first floor of the aforementioned property the computer institute allegedly run by the husband of the petitioner has now been closed. As such, there is no need for the said computer institute. I have seen the site plan Ex. PW1/3. The first floor is shown to have three rooms, one store and one portion covered with asbestos sheet. In the petition, it

is written that two rooms in the back portion of the said property are being used for the computer institute. One room is used as office and other room is used as conference room. On the first floor, there are three rooms. Out of three rooms, two rooms are being used as Lab where the computers are installed for practical training of the students. If the petitioner has shifted to the first floor of the said property, it is still not clear how much portion on the first floor she has occupied. As already clarified, two rooms on the first floor were used for computer lab. If the said rooms have been occupied by the petitioner, it would show that now there is even less space available for the computer institute as compared to earlier. The computer institute is on the ground floor as well as on the first floor. There is nothing on record to show that the said institute has been completely closed down.It is further the case of the petitioner that she is an LIC agent. She needs office for her profession. In the photographs Ex. PW1/5 to Ex. PW1/10, the running of computer institute can be seen.

8.(b)(ii) On the other hand, the respondent in his written statement has merely denied the case of the petitioner. It is baldly stated that a sham computer institute is being run. It is also claimed that Sh. Nand Lal, father of the petitioner wants to construct a big residential cum commercial complex in the said property. In this regard, Sh. Nand Lal entered into a collaboration agreement with one builder and constructed one basement, ground floor and 4 floors above the ground floor (Sic).

8.(b)(iii) I have perused the examination in chief of respondent/RW1. He has primarily relied on raising objection of the previous litigation between the parties. It is nowhere mentioned how the previous litigation is relevant for the purpose of the present case. No material regarding the said construction by the father of the plaintiff is filed on record. The respondent has not taken any specific ground regarding the need for computer institute being a need for additional accommodation. It is for the respondent to take up this ground and prove the same.

8.(b)(iv) The petitioner has claimed that she is residing in the tenanted premises, at WZ-79C, Top Floor, Gali no.8, Virender Nagar, Delhi. At the time of her examination on 30.10.2014, she mentioned her address as WZ-166A, Virender Nagar, New Delhi. The respondent has not alleged anything to show that during the pendency of the petition, the petitioner has acquired new property WZ-166A, Virender Nagar, New Delhi. On the contrary, now it is the case of the respondent that the petitioner has shifted along with her family to the said property.

8.(b)(v) The petitioner claims that she is an LIC agent and she needs space to run an office. There is nothing on record to show that the petitioner is working as an LIC agency. The respondent has also not produced any evidence to show that the petitioner is otherwise gainfully employed. There is no specific denial regarding the petitioner being LIC agent. Further the

petitioner/dependent need not be an expert in the proposed business/profession (subject to legal/statutory requirement).
During the cross examination dated 30.10.2014, the petitioner admitted that she was residing in the suit property till 2009. Thereafter she shifted to rented accommodation. The present petition was filed in March, 2013. It was not filed immediately after the petitioner shifted to a rented accommodation.
8.(b)(vi) The petitioner has claimed bonafide need on three counts- firstly, extra space for running the computer institute of her husband; secondly, space for establishing her office as LIC agent and thirdly for use of the tenanted premises and/or said property as residence. As per the case of the respondent now, the petitioner has shifted to the first floor of the said property. The petitioner is free to use the space available in the said property as per her own convenience. As such, the need of the petitioner is bonafide."

22. The principal submission advanced on behalf of the Petitioner is that the subsequent demise of the original Respondent and her husband has completely extinguished the *bona fide* requirement on the basis of which the Eviction Order was passed. In order to appreciate the said contention, it would be necessary to first examine the settled position of law governing the consideration of subsequent events in eviction proceedings.

23. It is well settled that the *bona fide* requirement of a landlord is ordinarily required to be examined with reference to the date of institution of the eviction petition. The subsequent developments occurring during the pendency of the proceedings cannot, merely by their occurrence, defeat a claim which was otherwise validly instituted and established. The Court, however, is not precluded from taking cognizance of subsequent events where such developments have a material bearing upon the entitlement of the parties to relief or necessitate moulding of the relief.

24. In ***Gaya Prasad*** (supra), the Hon'ble Supreme Court reiterated that the crucial date for determining the *bona fide* requirement of the landlord is ordinarily the date of institution of the eviction petition.

While recognising the power of the Court to take cognizance of subsequent events, it was held that such events must be of such a nature and dimension that the requirement originally pleaded by the landlord is completely eclipsed. The Hon'ble Supreme Court cautioned that subsequent developments ought not to be permitted to defeat a genuine requirement merely on account of the time consumed in the adjudication of eviction proceedings. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> "**10.**We have no doubt that the crucial date for deciding as to the bona fides of the requirement of the landlord is the date of his application for eviction. The antecedent days may perhaps have utility for him to reach the said crucial date of consideration. If every subsequent development during the post-petition period is to be taken into account for judging the bona fides of the requirement pleaded by the landlord there would perhaps be no end so long as the unfortunate situation in our litigative slow-process system subsists. During 23 years, after the landlord moved for eviction on the ground that his son needed the building, neither the landlord nor his son is expected to remain idle without doing any work, lest, joining any new assignment or starting any new work would be at the peril of forfeiting his requirement to occupy the building. It is a stark reality that the longer is the life of the litigation the more would be the number of developments sprouting up during the long interregnum. If a young entrepreneur decides to launch a new enterprise and on that ground he or his father seeks eviction of a tenant from the building, the proposed enterprise would not get faded out by subsequent developments during the traditional lengthy longevity of the litigation. His need may get dusted, patina might stick on its surface, nonetheless the need would remain intact. All that is needed is to erase the patina and see the gloss. It is pernicious, and we may say, unjust to shut the door before an applicant just on the eve of his reaching the finale, after passing through all the previous levels of the litigation, merely on the ground that certain developments occurred pendente lite, because the opposite party succeeded in prolonging the matter for such unduly long period.
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> **11.** We cannot forget that while considering the bona fides of the need of the landlord the crucial date is the date of petition. In ***Ramesh Kumar* v. *Kesho Ram*** [1992 Supp (2) SCC 623] a two-Judge Bench of this Court (M.N. Venkatachaliah, J., as he then was, and N.M. Kasliwal, J.) pointed out that the normal rule is that rights and obligations of the parties are to be determined as they

were when the lis commenced and the only exception is that the court is not precluded from moulding the reliefs appropriately in consideration of subsequent events provided such events had an impact on those rights and obligations. What the learned Chief Justice observed therein is this: (SCC pp. 626-27, para 6)

> "*6.* The normal rule is that in any litigation the rights and obligations of the parties are adjudicated upon as they obtain at the commencement of the lis. But this is subject to an exception. Wherever subsequent events of fact or law which have a material bearing on the entitlement of the parties to relief or on aspects which bear on the moulding of the relief occur, the court is not precluded from taking a 'cautious cognizance' of the subsequent changes of fact and law to mould the relief."

12. This Court reiterated the same principle in ***Kamleshwar Prasad* v. *Pradumanju Agarwal*** [(1997) 4 SCC 413] that the crucial date normally is the date of filing the petition. In that case, a two-Judge Bench (K. Ramaswamy and G.B. Pattanaik, JJ.) has held that even the subsequent event of death of the landlord who wanted to start a business in the tenanted premises is not sufficient to dislodge the bona fide need established by him earlier. This is what Pattanaik J. has observed for the Bench: (SCC p. 415, para 3)

> "That apart, the fact that the landlord needed the premises in question for starting a business which fact has been found by the appellate authority, in the eye of the law, it must be that on the day of application for eviction which is the crucial date, the tenant incurred the liability of being evicted from the premises. Even if the landlord died during the pendency of the writ petition in the High Court the bona fide need cannot be said to have lapsed as the business in question can be carried on by his widow or any other son."

13. In our opinion, the subsequent events to overshadow the genuineness of the need must be of such nature and of such a dimension that the need propounded by the petitioning party should have been completely eclipsed by such subsequent events. A three-Judge Bench of this Court in ***Pasupuleti Venkateswarlu* v. *Motor and General Traders*** [(1975) 1 SCC 770] which pointed to the need for remoulding the reliefs on the strength of subsequent events affecting the cause of action in the field of rent control litigation, forewarned that cognizance of such subsequent events should be taken very cautiously. This is what learned Judges of the Bench said then: (SCC pp. 772-73, para 4)

> "We affirm the proposition that for making the right or remedy claimed by the party just and meaningful as also legally and factually in accord with the current realities, the court can, and in many cases must, take cautious cognizance of events and developments subsequent to the

institution of the proceeding provided the rules of fairness to both sides are scrupulously obeyed."

14. The next three-Judge Bench of this Court, which approved and followed the above decision, in ***Hasmat Rai* v. *Raghunath Prasad*** [(1981) 3 SCC 103] has taken care to emphasise that the subsequent events should have "wholly satisfied" the requirement of the party who petitioned for eviction on the ground of personal requirement. The relevant passage is extracted below: (SCC pp. 113-14, para 14)

"Therefore, it is now incontrovertible that where possession is sought for personal requirement it would be correct to say that the requirement pleaded by the landlord must not only exist on the date of the action but must subsist till the final decree or an order for eviction is made. *If in the meantime events have cropped up which would show that the landlord's requirement is wholly satisfied then in that case his action must fail and in such a situation it is incorrect to say that as decree or order for eviction is passed against the tenant he cannot invite the court to take into consideration subsequent events*."

(emphasis supplied)

15. The judicial tardiness, for which unfortunately our system has acquired notoriety, causes the lis to creep through the line for long long years from the start to the ultimate termini, is a malady afflicting the system. During this long interval many many events are bound to take place which might happen in relation to the parties as well as the subject-matter of the lis. If the cause of action is to be submerged in such subsequent events on account of the malady of the system it shatters the confidence of the litigant, despite the impairment already caused."

25. The aforesaid principle was also reiterated in ***Kamleshwar Prasad v. Pradumanju Agarwal***[14], wherein the Hon'ble Supreme Court held that even the subsequent demise of a landlord, who had sought eviction for commencing his own business, did not necessarily result in the extinguishment of the *bona fide* requirement, particularly when the business could be carried on by his widow or other family members. Thus, the subsequent demise of the person who originally instituted the eviction proceedings cannot, in every circumstance, be treated as an event which automatically defeats the claim for eviction.

[14] (1997) 4 SCC 413

The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> "**3.** Mr Manoj Swarup, learned counsel appearing for the appellant in this Court urged that the person, for whose bona fide requirement the order of eviction has been passed by the appellate authority, having died during the pendency of the writ petition, the said bona fide requirement no longer subsists and consequently the High Court should have taken that fact into consideration and should have interfered with the order passed by the appellate authority for the eviction of the tenant. The learned counsel further urged that no doubt the proceedings under Article 226 of the Constitution is not a continuation of the eviction proceedings under the Act, but all the same the High Court while exercising its power of supervision under Article 226 of the Constitution is not denuded of its power to take into consideration the subsequent event that had happened which is necessary to be taken into consideration in the interest of justice. Accordingly, the High Court committed serious error in not taking into account the facts of the death of the landlord for whose bona fide requirement the order of eviction had been passed by the appellate authority, and therefore, this Court should interfere with the said order of the High Court. Having given an anxious consideration to the contention raised by the learned counsel for the appellant and under the facts and circumstances of this case we are of the considered opinion that this case does not warrant interference by this Court under Article 136 of the Constitution. Under the Act the order of the appellate authority is final and the said order is a decree of the civil court and a decree of a competent court having become final cannot be interfered with by the High Court in exercise of its power of superintendence under Articles 226 and 227 of the Constitution by taking into account any subsequent event which might have happened. That apart, the fact that the landlord needed the premises in question for starting a business which fact has been found by the appellate authority, in the eye of law, it must be that on the day of application for eviction which is the crucial date, the tenant incurred the liability of being evicted from the premises. Even if the landlord died during the pendency of the writ petition in the High Court the bona fide need cannot be said to have lapsed as the business in question can be carried on by his widow or any elder (*sic* other) son. In this view of the matter, we find no force in the contention of Mr Manoj Swarup, learned counsel appearing for the appellant and we do not find any error in the impugned judgment of the High Court warranting interference by this Court under Article 136 of the Constitution. The appeal, accordingly, fails and is dismissed but in the circumstances without any order as to costs."

26. More importantly, the question concerning the effect of the demise of a landlord after an order of eviction has already been passed in his favour came to be considered by the Hon'ble Supreme Court in ***Shakuntala Bai & Ors.*** (supra). The Hon'ble Supreme Court held that where an order of eviction has been passed in favour of the landlord and the tenant thereafter challenges the same, the subsequent demise of the landlord during the pendency of such challenge would not, by itself, render the eviction proceedings liable to dismissal. The legal representatives are entitled to defend the estate and the benefit accruing under the order of eviction. The Court further observed that taking subsequent events, such as the death of the landlord, into consideration at every stage of the proceedings would result in interminable litigation and defeat the very object of expeditious adjudication of eviction disputes. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> "**10.** The effect of death of a landlord during the pendency of the proceedings has been considered in several decisions of this Court. In ***Phool Rani* v. *Naubat Rai Ahluwalia*** [(1973) 1 SCC 688 : AIR 1973 SC 2110] the landlord filed an ejectment application under Section 14(1)(*e*) of the Delhi Rent Control Act and eviction of the tenant was sought on the ground that the premises were required by the plaintiff "for occupation as a residence for himself and members of his family". The Additional Rent Controller dismissed the application on a preliminary ground that the notices to quit were not valid, without examining the case on merits. The plaintiff died during the pendency of the appeal preferred by him and his heirs were substituted. The case was remanded and the Rent Controller passed an order of eviction. In appeal a contention was raised that the right to sue did not survive to the heirs of the plaintiff, which was rejected by the Rent Control Tribunal but was accepted in appeal by the High Court. This Court held that different results may follow according to the stage at which the death occurs. One of the situations considered in para 13 of the Report is as under: [SCC p. 694, para 13(*i*)]
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> > "*13.* (*i*) cases in which the death of the plaintiff occurred after a decree for possession was passed in his favour; say, during the pendency of an appeal filed by the unsuccessful tenant;"

10.1. With regard to this category of cases, it was held that the estate is entitled to the benefit which, under a decree, has accrued in favour of the plaintiff and, therefore, the legal representatives are entitled to defend further proceedings, like an appeal, which constitutes a challenge to that benefit. Even otherwise, this appears to be quite logical. In normal circumstances after passing of the decree by the trial court, the original landlord would have got possession of the premises. But if he does not and the tenant continues to remain in occupation of the premises it can only be on account of the stay order passed by the appellate court. In such a situation, the well-known maxim "*actus curiae neminem gravabit*" that "an act of the court shall prejudice no man" shall come into operation. Therefore, the heirs of the landlord will be fully entitled to defend the appeal preferred by the tenant and claim possession of the premises on the cause of action which had been originally pleaded and on the basis whereof the lower court had decided the matter and had passed the decree for eviction. However, in regard to the case before the court it was held that the requirement pleaded in the ejectment application on which the plaintiff founded his right to relief was his personal requirement and such a personal cause of action must perish with the plaintiff. On this ground it was held that the plaintiff's right to sue will not survive to his heirs and they cannot take the benefit of the original right to sue.

11. In ***Shantilal Thakordas* v. *Chimanlal Maganlal Telwala*** [(1976) 4 SCC 417] a larger Bench overruled the decision rendered in ***Phool Rani* v. *Naubat Rai Ahluwalia*** [(1973) 1 SCC 688 : AIR 1973 SC 2110] insofar as it held that the requirement of the occupation of the members of the family of the original landlord was his personal requirement and ceased to be the requirement of the members of his family on his death. The Court took the view that after the death of the original landlord the senior member of his family takes his place and is well competent to continue the suit for eviction for his occupation and occupation of the other members of the family. Thus, this decision held that the substituted heirs of the deceased landlord were entitled to maintain the suit for eviction of the tenant. The ratio of this decision by a larger Bench does not in any manner affect the view expressed in ***Phool Rani*** [(1973) 1 SCC 688 : AIR 1973 SC 2110] that where the death of the landlord occurs after a decree for possession has been passed in his favour, his legal representatives are entitled to defend further proceedings like an appeal and the benefit accrued to them under the decree. In fact, the ratio of ***Shantilal Thakordas*** [(1976) 4 SCC 417] would reinforce the aforesaid view. There are several decisions of this Court on the same line. In ***Kamleshwar Prasad* v. *Pradumanju Agarwal*** [(1997) 4 SCC 413] it was held that the need of the landlord for the premises in question must exist on the date of application for eviction, which is the crucial date and it is on the said date the tenant incurred the liability of being evicted therefrom. Even if the landlord died during the pendency of the

writ petition in the High Court, the bona fide need cannot be said to have lapsed as the business in question can be carried on by his widow or any other son. In ***Gaya Prasad* v. *Pradeep Srivastava*** [(2001) 2 SCC 604] it was held that the crucial date for deciding as to the bona fides of requirement of the landlord is the date of his application for eviction. Here the landlord had instituted eviction proceedings for the bona fide requirement of his son who wanted to start a clinic. The litigation continued for a long period and during this period the son joined the Provincial Medical Service and was posted at different places. The subsequent event i.e. the joining of the service by the son was not taken into consideration on the ground that the crucial date was the date of filing of the eviction petition. Similar view has been taken in *G.C. Kapoor* v. *Nand Kumar Bhasin* [(2002) 1 SCC 610] . Therefore, the legal position is well settled that the bona fide need of the landlord has to be examined as on the date of institution of proceedings and if a decree for eviction is passed, the death of the landlord during the pendency of the appeal preferred by the tenant will make no difference as his heirs are fully entitled to defend the estate.

12. The High Court in the present case no doubt noticed the decisions rendered in ***Phool Rani*** [(1973) 1 SCC 688 : AIR 1973 SC 2110] and ***Shantilal Thakordas*** [(1976) 4 SCC 417] but chose to rely upon a decision by a two-Judge Bench rendered in ***P.V. Papanna* v. *K. Padmanabhaiah*** [(1994) 2 SCC 316] . In this case the trial court had passed a decree for eviction which was challenged by the tenant by filing a revision in the High Court which was dismissed but four years' time was granted to vacate the premises. The special leave petition preferred by the tenant was also dismissed. During the pendency of this period of four years, the landlord died leaving a will in favour of his brothers. When the tenant did not vacate the premises after the expiry of four years, the appellants applied for execution of the decree. The execution petition was allowed by the trial court and order for eviction was passed but the order was reversed by the High Court in a revision filed by the tenant on the ground that the cause of action did not survive on the death of the landlord and the appellants (legatees claiming as legal representatives of the deceased landlord) could not execute the decree for eviction which was purely personal. After examining several earlier decisions, the Court held as under: (SCC p. 322, para 18)

> "*18.* For the foregoing discussion, we must hold that events which take place subsequent to the filing of an eviction petition under any Rent Act can be taken into consideration for the purpose of adjudication until a decree is made by the final court determining the rights of the parties but any event that takes place after the decree becomes final cannot be made a ground for reopening the decree. The finality to the dispute culminating in the decree cannot be reopened by the executing court for

> readjudication on the ground that some event or the other has altered the situation. As a corollary thereto it must also be held that once the decree became final it became a part of the estate of the landlord and therefore the appellants as legal representatives of the deceased landlord are entitled to execute the same."

13. The limited question for consideration in this case was whether a decree which had attained finality would become unexecutable on account of death of the landlord and this question was answered in favour of the landlord and against the tenant basically on the principle that the executing court cannot go behind the decree. For the decision of the appeal it was wholly unnecessary to examine the question as to the effect of death of the landlord during the pendency of the appeal preferred by the tenant after a decree for eviction has been passed. The decisions rendered in ***Phool Rani*** [(1973) 1 SCC 688 : AIR 1973 SC 2110] and ***Shantilal Thakordas*** [(1976) 4 SCC 417] were not brought to the notice of the Bench. We are, therefore, of the opinion that the observations made in the aforesaid case that (SCC p. 322, para 18)

> "events which take place subsequent to the filing of an eviction petition under any Rent Act can be taken into consideration for the purpose of adjudication until a decree is made by the final court determining the rights of the parties",

which are more in the nature of obiter do not represent the correct legal position.

14. Sub-section (1) of Section 12 of the Act says "no suit shall be filed in any civil court against a tenant for his eviction …". The language employed does not say "no decree shall be passed …". So the bar created is against filing of the suit except on one of the grounds enumerated in clauses (*a*) to (*p*) of the sub-section. Therefore what is to be seen is whether the suit was validly filed i.e. whether on the date of filing of the suit one of the grounds was made out. A suit validly filed cannot be scuttled or held no longer maintainable in absence of any specific provision to that effect. Therefore the principle that "the need of the landlord must exist till the decree for eviction is passed by the last court and attains finality" can even otherwise have no application here in view of the express language used in the section.

15. As the preamble shows, the Madhya Pradesh Accommodation Control Act, 1961 has been enacted for expeditious trial of eviction cases on the ground of bona fide requirement of landlords and generally to regulate and control eviction of tenants. If the subsequent event like the death of the landlord is to be taken note of at every stage till the decree attains finality, there will be no end to litigation. By the time a second appeal gets decided by the High Court, generally a long period elapses and on such a principle if during this period the landlord who instituted the proceedings dies, the suit will have to be dismissed without going into merits. The

> same thing may happen in a fresh suit filed by the heirs and it may become an unending process. Taking into consideration the subsequent events may, at times, lead to rendering the whole proceedings taken infructuous and colossal waste of public time. There is no warrant for interpreting a rent control legislation in such a manner, the basic object of which is to save harassment of tenants from unscrupulous landlords. The object is not to deprive the owners of their properties for all times to come.
>
> **16.** There is another aspect of the matter which needs consideration. After the case had been remanded, the plaint had been amended and the need of the sons had been set up who had all attained majority by that time. The courts thereafter proceeded to decide the controversy on the basis of the need of the sons and the lower appellate court, after finding their need to be bona fide, passed a decree for eviction in their favour. In the second appeal preferred by the tenant, the High Court, instead of examining the issues on the basis of which the case had been decided, went on to hold that on account of death of Girdhari Lal, the need set up by him came to an end and on that finding dismissed the suit. The parties having amended their respective pleadings and the two courts below having decided the matter on such amended pleadings and the evidence adduced thereon, it was wholly impermissible on the part of the High Court to examine the question as to the effect of death of the original plaintiff and thereafter to dismiss the suit on the finding that his need having come to an end, the suit ought to have been dismissed. It is well settled that when amendment is allowed, the proceedings have to be decided on the basis of such amended pleadings. We are, therefore, of the opinion that the view taken by the High Court is wholly illegal."

27. The aforesaid position has also been considered by this Court in ***Mohd. Burhan & Ors. v. Shri Triloki Nath (Since Deceased) Through LRs & Ors.***[15], wherein the Court was confronted with a similar objection arising out of the subsequent demise of the original landlord and his wife after an eviction order had been passed following a full-fledged trial. The Court, relying upon ***Shakuntala Bai*** (supra) and ***Kamleshwar Prasad*** (supra), held that the subsequent demise of the landlord did not, by itself, extinguish the bona fide requirement already adjudicated in his favour. It was further observed that the expression 'own use' occurring in Section 14(1)(e) of the DRC

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Act is not to be construed narrowly so as to exclude the legitimate requirements of the members of the landlord's family. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> "**30.**In the present case, since the landlord was very much alive at the time of and also till the passing of the first impugned order, whereby it was established that the order of eviction was passed in his favour as his *requirement* was found to be genuine, truthful and benign when he filed the eviction petition and that too after withstanding the prolonged trial and test of time, there could be no extinguishment of his legal and valid right for seeking execution *qua* the subject premises. On the date of filing and passing of the first impugned order by the learned ARC, as the landlord was alive, the cause of action for initiating the eviction petition by the landlord was validly surviving, existing and subsisting. For ease of reference, reliance is placed upon ***Shakuntala Bai case*** [*Shakuntala Bai* v. *Narayan Das*, (2004) 5 SCC 772] wherein the Supreme Court has clearly held as under: (SCC pp. 780-82, paras 11 & 15)
>
> > "*11.* … Therefore, the legal position is well settled that the *bona fide need of the landlord has to be examined as on the date of institution of proceedings and if a decree for eviction is passed, the death of the landlord during the pendency of the appeal preferred by the tenant will make no difference as his heirs are fully entitled to defend the estate.*
> >
> > ***
> >
> > *15.* As the preamble shows, the M.P. Accommodation Control Act, 1961 has been enacted for expeditious trial of eviction cases on the ground of *bona fide requirement* of landlords and generally to regulate and control eviction of tenants. *If the subsequent event like the death of the landlord is to be taken note of at every stage till the decree attains finality, there will be no end to litigation. By the time a second appeal gets decided by the High Court, generally a long period elapses and on such a principle if during this period the landlord who instituted the proceedings dies, the suit will have to be dismissed without going into merits. The same thing may happen in a fresh suit filed by the heirs and it may become an unending process. Taking into consideration the subsequent events may, at times, lead to rendering the whole proceedings taken infructuous and colossal waste of public time.* There is no warrant for interpreting a rent control legislation in such a manner, the basic object of which is to save harassment of tenants from unscrupulous

> landlords. The object is not to deprive the owners of their properties for all times to come."

(emphasis supplied)

31. Same is the view expressed by the Supreme Court in ***Kamleshwar Prasad* v. *Pradumanju Agarwal*** [*Kamleshwar Prasad* v. *Pradumanju Agarwal*, (1997) 4 SCC 413] .

32. A perusal of ***Prem Chand case*** [*Prem Chand* v. *Subhash Chand Saini*, 2012 SCC OnLine Del 4607] , ***Inderchand Jain case*** [*Inderchand Jain* v. *Motilal*, (2009) 14 SCC 663 : (2009) 5 SCC (Civ) 461] , ***Education Directorate case*** [*Education Directorate* v. *Mohd. Shamim*, 2019 SCC OnLine Del 11490] , ***Jungli case*** [*Jungli* v. *Syed Waris Ali*, 1974 SCC OnLine Del 59 : (1975) 11 DLT 132] and ***Sheshambal case***[*Sheshambal* v. *Chelur Corpn. Chelur Building*, (2010) 3 SCC 470 : (2010) 1 SCC (Civ) 737] reveal that none of them are/can be applicable to the facts and circumstances involved herein as they were all cases wherein the landlord expired during the pendency of the litigation i.e. before passing of the final judgment or there were concealment. Those were cases wherein the right of the landlord(s) therein stood extinguished by default. Here is a case where, *admittedly*, the landlord was very much alive when the first impugned order was passed by the learned ARC.

33. Similarly, perusal of ***Hasmat Rai case*** [*Hasmat Rai* v. *Raghunath Prasad*, (1981) 3 SCC 103] and ***Ramesh Kumar case*** [*Ramesh Kumar* v. *Kesho Ram*, 1992 Supp (2) SCC 623 : AIR 1992 SC 700] also reveal that they cannot come to the aid of the tenants as they all are not pertaining to the DRC Act, where there is no scope of an appeal against an order of eviction passed by the learned ARC while disposing of an eviction petition under Section 14(1)(*e*) of the DRC Act and the only remedy available is one under the revisional jurisdiction. This Court cannot be expected to import provisions of another/parallel statute and that too of an appeal into the DRC Act, when it is in itself silent about the same, just to somehow expand the already available scope there. Doing so, would be against the very purport, intent and principles of the DRC Act. This Court cannot ignore that Section 14(1)(*e*) and the intent of introducing Section 25-B in the DRC Act thereafter was/is as a *summary procedure* as per the prevailing circumstances within Delhi.

34. Lastly, in the context of the DRC Act, where there is no provision of an appeal and the only remedy available is that of a review, as held by the Supreme Court in ***Joginder Pal* v. *Naval Kishore Behal***[*Joginder Pal* v. *Naval Kishore Behal*, (2002) 5 SCC 397] and followed by a coordinate Bench of this Court in ***Labhu Lal* v. *Sandhya Gupta*** [*Labhu Lal* v. *Sandhya Gupta*, 2010 SCC OnLine Del 3423 : (2010) 173 DLT 318] , in a *pari-materia* provision, the *bona fide* need cannot be interpreted narrowly or restrictively as being confined only to the personal use of the landlord. The expression "*own use*" in DRC Act is of wide import

> and encompasses the legitimate needs of the members of the landlord's family as also it is a moral obligation of a parent to settle their children and help them to attain economic independence and such a need by a landlord is undoubtedly *bona fide*. Merely because the landlord in a proceedings under the DRC Act has expired does not mean that his need for the subject premises has extinguished, particularly, whence there is no dispute that both the son and daughter are his legal heirs and both of them are alive.
>
> **35.** Although, principles of natural justice, equity, conscience and balance of convenience are not factors on merits, however, before parting, this Court wishes to express that under the given facts and circumstances involved, agreeing with the interpretation sought to be given by the learned counsel for the tenants would amount to relegating the parties to another long drawn litigation only because the landlord has expired after having an order of eviction from a court of law in his favour and that too after a full-fledged trial.
>
> **36.** Therefore, there is no scope of interference by this Court in the second impugned order dated 19-7-2023 passed by the learned review court as well. Consequently, based on the foregoing, there is no interference warranted by this Court in either of the two impugned order(s)."

28. The aforesaid decisions, therefore, make it clear that while subsequent events may be taken into consideration where they completely eclipse the requirement originally pleaded, the mere demise of the landlord after an order of eviction has already been passed cannot, by itself, be treated as sufficient to nullify the adjudicated claim. The Court must examine the nature of the original requirement, the stage at which the subsequent event occurred and whether any part of the requirement continues to subsist in favour of the surviving legal representatives.

29. This Court has also considered the judgments relied upon by the Petitioner. However, the same do not advance the case sought to be set up by him. In *V.* ***Ramanathan*** (supra), the subsequent demise of the landlady was considered along with other intervening developments, including the marriage of her daughters and the availability of sufficient alternative accommodation with the surviving family. It was

in the backdrop of those cumulative circumstances, which demonstrated that the requirement had substantially diminished, that the eviction order was set aside. The said decision, therefore, cannot be construed as laying down an absolute proposition that the subsequent demise of a landlord, by itself, extinguishes an eviction order already passed in his or her favour.

30. Similarly, in ***Gurinder Singh*** (supra), the eviction petition had been instituted exclusively to meet the requirement of the landlady's son for opening an office. Upon his subsequent demise, this Court held that the very requirement forming the foundation of the eviction proceedings no longer survived. The factual position in the present case is materially distinguishable, inasmuch as the original Respondent had pleaded not merely the requirement of her husband for the computer institute, but also her own requirement for an LIC office and, importantly, the requirement of the premises for residential purposes. The present case, therefore, cannot be equated with one where the entire eviction claim was founded exclusively upon the personal requirement of the deceased person.

31. The reliance placed upon ***Kedar Nath Agrawal (Dead) & Anr.*** (supra) and ***Gaya Prasad*** (supra), also does not assist the Petitioner beyond the settled proposition that subsequent events may be taken into consideration where they materially affect the relief claimed. Neither of the aforesaid decisions lays down that every subsequent development, including the death of the landlord, must invariably result in the dismissal of an eviction petition. On the contrary, as noticed hereinabove, the subsequent event must be of such a nature as to completely eclipse the requirement originally pleaded. The said principle has to be read harmoniously with the subsequent

pronouncements of the Hon'ble Supreme Court in ***Shakuntala Bai*** (supra) and ***Kamleshwar Prasad*** (supra), which specifically recognise the survival of an eviction order despite the subsequent demise of the original landlord.

32. Reliance placed by the Respondent upon ***Keshav Bhaurao Yeole*** (supra), ***Gopal Krishan*** (supra) and ***Raghubir Saran*** (supra) further support the settled position that the legal representatives of a deceased landlord step into his shoes and are entitled to pursue and defend the rights accruing under an eviction order. The aforesaid decisions lend further support to the position that the subsequent demise of the original Respondent and her husband does not, by itself, extinguish the rights accrued under the Impugned Judgment.

33. In the present case, the Impugned Judgment was passed on 18.04.2019, whereas the husband of the original Respondent passed away on 22.04.2021 and the original Respondent herself passed away on 27.04.2021. Thus, both deaths occurred more than two (02) years after the learned Rent Controller had adjudicated the *bona fide* requirement and passed the eviction order in favour of the original Respondent. The Petitioner is, therefore, seeking to rely upon events which occurred subsequent to the adjudication of the Eviction Petition, to unsettle an order which had already conferred upon the original Respondent the right to recover possession of the tenanted premises.

34. This Court is unable to accept the contention that the aforesaid subsequent events, by themselves, completely eclipse the *bona fide* requirement which had been adjudicated by the learned Rent Controller. As noticed hereinabove, the Eviction Petition was founded upon three requirements, of which the requirement for residential

purposes was not confined exclusively to either the original Respondent or her husband. The original Respondent and her husband were survived by their daughter, Ms. Kashvi Singh, who has since been brought on record as the legal representative of the deceased Respondent. Consequently, the demise of the original Respondent and her husband cannot be construed as automatically extinguishing the residential requirement pleaded for the family, particularly when the surviving daughter continues to be a member of the family and has succeeded to the estate of the deceased Respondent.

35. It is further pertinent to observe that upon the demise of the original Respondent, her daughter, Ms. Kashvi Singh, having been brought on record as her legal representative, steps into the shoes of the deceased Respondent and succeeds to the rights and interests accruing to her under the Impugned Judgment. In this regard, reliance may be placed upon the decision of this Court in ***Mohd. Burhan & Ors.***(supra), wherein, while considering the effect of the demise of the original landlord, this Court observed that the expression 'own use' occurring in Section 14(1)(e) of the DRC Act is of wide import and encompasses the legitimate requirements of the members of the landlord's family. It was further observed that the moral obligation of a parent to settle their children and facilitate their economic independence constitutes a legitimate *bona fide* requirement. The relevant portion of the aforesaid Judgment is reproduced hereinbelow:

> **"34.** Lastly, in the context of the DRC Act, where there is no provision of an appeal and the only remedy available is that of a review, as held by the Supreme Court in ***Joginder Pal* v. *Naval Kishore Behal***[*Joginder Pal* v. *Naval Kishore Behal*, (2002) 5 SCC 397] and followed by a coordinate Bench of this Court in ***Labhu Lal* v. *Sandhya Gupta*** [*Labhu Lal* v. *Sandhya Gupta*, 2010 SCC OnLine Del 3423 : (2010) 173 DLT 318] , in a *pari-materia* provision, the *bona fide* need cannot be interpreted narrowly or

> restrictively as being confined only to the personal use of the landlord. The expression "*own use*" in DRC Act is of wide import and encompasses the legitimate needs of the members of the landlord's family as also it is a moral obligation of a parent to settle their children and help them to attain economic independence and such a need by a landlord is undoubtedly *bona fide*. Merely because the landlord in a proceedings under the DRC Act has expired does not mean that his need for the subject premises has extinguished, particularly, whence there is no dispute that both the son and daughter are his legal heirs and both of them are alive."

36. The aforesaid principle assumes significance in the present case, particularly when the original Eviction Petition had also been instituted on the ground of residential requirement of the family, and the daughter of the original Respondent continues to survive as her legal heir. Thus, the subsequent demise of the original Respondent and her husband cannot, in the facts of the present case, be construed as having completely extinguished the requirement which had already been adjudicated in their favour.

37. It is also significant that the Petitioner has sought to treat the three requirements pleaded in the Eviction Petition as though the entire claim was founded exclusively upon the computer coaching institute operated by the deceased husband or upon the requirement of the original Respondent to open an office. Such an interpretation does not accord with the findings recorded in the Impugned Judgment itself, wherein the learned Rent Controller, after examining the three requirements pleaded by the original Respondent and the evidence led by the parties, ultimately returned a finding that the bona fide requirement stood established. The fact that one of the requirements was attributable to the husband and another to the original Respondent cannot, in the absence of any other circumstance completely eclipsing the entire claim, lead to the conclusion that the Impugned Judgment itself stands extinguished.

38. It is trite that the legal representatives of a deceased landlord step into the estate of the deceased and are entitled to pursue and defend the rights accruing thereunder. The subsequent demise of the original Respondent and her husband, having occurred after the Impugned Judgment was passed, cannot be employed as a standalone ground to deprive the surviving legal representative of the benefit of an order already passed in favour of her predecessor-in-interest. The Petitioner has, therefore, failed to demonstrate that the subsequent events relied upon by him are of such a nature and dimension as would warrant setting aside the Impugned Judgment.

39. This Court has also considered the subsequent-event Applications, being CM APPL. 7006/2022 and CM APPL. 9241/2026, along with the replies filed thereto. In CM APPL. 7006/2022, the Petitioner brought on record the demise of the original Respondent and her husband, stating that they were survived by their minor daughter, Ms. Kashvi Singh. It was further alleged that, following their demise, a portion of the property had been let out to Anmol and Dipanshu for running a tuition centre. Subsequently, by way of CM APPL. 9241/2026, the Petitioner reiterated the aforesaid allegations and further contended that Ms. Kashvi Singh had attained majority and entered into a Rent Agreement for continuation of the tuition centre, besides alleging that another shop, earlier under the tenancy of Tara Singh, continued to remain locked and unused.

40. The Respondent, through her legal representative, has disputed the aforesaid allegations, contending that no Rent Agreement has been placed on record and that the photograph relied upon by the Petitioner does not establish the alleged tenancy, its duration or terms. It has also been contended that the alleged availability of the shop previously

occupied by Tara Singh does not establish its suitability or availability for the requirement in question. The Respondent has further disputed the maintainability of the aforesaid Applications and raised objections regarding the Petitioner's compliance with the interim directions passed by this Court.

41. Having considered the rival contentions, this Court finds that the aforesaid allegations, particularly in the absence of cogent material establishing the alleged subsequent tenancy or the suitability of the other shop, do not demonstrate that the *bona fide* requirement adjudicated by the learned Rent Controller stood completely eclipsed. Accordingly, the subsequent events pleaded in the aforesaid Applications do not furnish any ground for interference with the Impugned Judgment.

42. In view of the foregoing discussion, this Court finds no merit in the contention advanced on behalf of the Petitioner that the *bona fide* requirement stood completely extinguished upon the demise of the original Respondent and her husband. The Judgments relied upon by the Petitioner are distinguishable on their respective facts and do not warrant a different conclusion in the present case. The Impugned Judgment does not call for interference on the grounds urged in the present Revision Petition.

CONCLUSION:

43. Consequently, the Applications seeking to bring subsequent events on record, being CM APPL. 7006/2022 and CM APPL. 9241/2026, are allowed to the extent of taking the subsequent events pleaded therein on record. However, the said subsequent events do not warrant interference with the Impugned Judgment.

44. This Court finds no illegality, material irregularity or jurisdictional error in the impugned judgment warranting interference in exercise of the limited revisional jurisdiction vested in this Court under the *proviso* to Section 25-B(8) of the DRC Act. In view thereof, the present Revision Petition being devoid of merits, is dismissed. The Impugned Judgment and Eviction Order dated 18.04.2019 passed by the learned Rent Controller are upheld.

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

HARISH VAIDYANATHAN SHANKAR, J.

NOVEMBER 20, 2026/ma