



2026:DHC:3091



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**IN THE HIGH COURT OF DELHI AT NEW DELHI***Reserved on: 17<sup>th</sup> February, 2026**Pronounced on: 15<sup>th</sup> April, 2026*

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RC. REV. 200/2023

SMT NATHO DEVI

.....Petitioner

Through: Mr. Manu Sishodia and Ms. Hina  
Rajput, Advocates.

versus

PADAM SINGH

.....Respondent

Through: Mr. Amit Bardhan Mohanty, Mr.  
Sagar, Ms. Nilakshi Chaudhary and  
Ms. Rubi Kumari, Advocates.**CORAM:****HON'BLE MR. JUSTICE AMIT SHARMA****JUDGMENT****AMIT SHARMA, J.**

1. The present petition under Section 25B(8) of the Delhi Rent Control Act, 1958<sup>1</sup>, has been filed seeking the following prayers: -

“In view of the above said facts and submissions, it is, therefore, most respectfully prayed that in the interest of justice, this Hon'ble Court may be pleased to :

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<sup>1</sup> For short, 'DRCA'



a) call for records of Eviction Petition No.E-123/14/10 titled as 'Smt.Natho Devi vs Padam Singh' from Ld.Trial Court;

b) set-aside the impugned Order dated 24.2.2021 passed by Shri Ajay Nagar, Ld.ARC (Central) Tis Hazari, Delhi in Eviction Petition No. E-123/14/10 titled as 'Smt.Natho Devi vs Padam Singh' and allow the petition of the petitioner, as prayed for, in the interest of justice

c) pass any other order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case in favour of the petitioner and against the respondent..”

2. The present Revision Petition has been filed by the petitioner-landlord assailing the impugned judgment dated 24.02.2021 passed by learned ARC, Central, Tis Hazari Courts, Delhi, in Eviction Petition No.E-123/14/10 *qua* the premises comprising one room and balcony on the First Floor at Property No.10528, Manakpura, Chowk Hari Chand, Karol Bagh, New Delhi, (hereinafter referred to as the ‘demised premises’). By way of the impugned judgment, learned ARC has dismissed the eviction petition filed on behalf of the petitioner-landlord.

3. The petitioner had filed subject eviction petition under Section 14(1)(e) of the DRCA seeking eviction of the respondent from the demised premises. It was stated that the premises were let out by the petitioner to the respondent for residential purposes and the latter has been residing there along with his family members. In the eviction petition, it is stated that the petitioner is the owner/landlady of the demised premises and same was purchased by her *vide* usual document, *i.e.*, Power of Attorney, Agreement to Sell, Will, etc., all dated 27.12.1990, from the grandfather of her husband, namely, Bholu Ram. It is further stated that, even otherwise, the grandfather of her husband was



the owner of the demised premises. It is further stated that after death of the father-in-law of the petitioner, the subject property default on all the legal heirs of her father-in-law which included five other brothers, besides her husband. All six brothers are residing in the property bearing No.10525-27, and all six brothers are having their own family members. Five brothers of petitioner's husband were residing on the ground floor and first floor of the property along with their respective family members. It is further stated that legal heirs of three deceased brothers of her husband were residing in ground floor of the aforesaid property, whereas two brothers and their family members were residing on the first-floor portion of the said property. It is the case of the petitioner that she is staying on the second-floor portion of the property and is having one room and one tin shed only which is not habitable and cannot be counted as a room. The family of the petitioner comprised of her husband, her three daughters, and herself. The petitioner and her husband are senior citizens and their one daughter is married and other two unmarried and are staying with the petitioner in the said one room with great difficulty. It was further stated that their married daughter visits the petitioner along with her husband and due to lack of accommodation, the petitioner cannot accommodate her married daughter owing to the insufficient space available with her, and therefore, requires the demised premises *bonafidely* for herself as well as for the benefit of her other family members who are dependent upon the petitioner. It is further the case of the petitioner that staying in aforesaid one room at the second floor of the property along with her two daughters and husband is very difficult. It is further stated in the eviction petition that, in fact, the petitioner is having virtually one room in the entire property and the said property also belongs to other legal heirs of her father-



in-law. Further, the petitioner wanted to stay on the first-floor portion of the property where the respondent is staying and her need is genuine and *bonafide* as she is a senior citizen and is having health problems due to which she is not in a position to climb every time to the second floor of the property. It is the case of the petitioner that the said property was purchased in 1990 and after purchasing the same, the petitioner renovated the property and started doing business from the ground floor of the property. In fact, husband of the petitioner was stated to be doing labour job from the said shop and the petitioner is also assisting her husband in doing the said job work.

4. It is further stated that the petitioner is the owner/landlord of the demised premises and the respondent is a tenant of the said premises. Further, the petitioner has no other reasonably suitable accommodation in Delhi or elsewhere and as such her need *qua* the suit premises is genuine and *bonafide* for the benefit of her own family members and herself. It is further stated that one sister of the petitioner due to matrimonial dispute with her husband had started staying with the petitioner and subsequently, petitioner along with her sister had purchased one plot in Palam, New Delhi and one room has been constructed on the said plot by petitioner's sister. It is further stated that though the petitioner and her sister are owners of the said property in Palam; however, her sister is staying in the said property and the same is very far from the demised premises and the property in Palam is not reasonably suitable for residential requirement of the petitioner. The property in Palam was primarily purchased to accommodate petitioner's sister and in any event, said property does not solely belong to the petitioner.



5. It is further stated that it came to the knowledge of the petitioner that respondent has also acquired some accommodation in Ghaziabad. However, he is not shifting there and not vacating the demised premises, and besides that, the respondent has also acquired another premises situated at 10539, Manak Pura, Chowk Hari Chand, Karol Bagh, New Delhi, and, he sometimes stays there. Lastly, it was the case of the petitioner that she has no reasonable alternative suitable residential accommodation in Delhi or elsewhere except the demised premises to fulfil her requirement.

6. In the present case, application seeking leave to defend filed on behalf of the respondent was allowed *vide* order dated 24.03.2015. In leave to defend, it was stated that the need of the petitioner is not *bonafide* inasmuch as the petitioner is not the owner of the premises in question. The respondent stated that there is no relationship of landlord and tenant between the parties, and in view of the same, the subject eviction petition was not maintainable. Respondent at no point in time had admitted the petitioner as owner or landlady of the premises in question. It was further stated that the petitioner had intentionally and wilfully concealed the accommodation available with her and wrongly alleged the same is insufficient for her requirement for residence of her family members dependent upon her. It was submitted that there were 12 rooms in the said property and the petitioner also own a residential property bearing No.412, Gali No.4, Raj Nagar-II, Palam, New Delhi, consisting of two rooms, washroom and kitchen, etc. Further, the petitioner has four storey property bearing No.10528 and two rooms on the ground floor of the side property are lying vacant. It was further stated that the petitioner is claiming ownership of property No. 10528, Manak Pura,



Karol Bagh, New Delhi, allegedly purchased by her from Bholu Ram and Kharati sons of Gopal Singh on 27.12.1990. It was the case of the respondent that Kharati Ram and Bholu (sons of Gopal Singh-grandfather of her husband), the alleged sellers and from whom the petitioner allegedly claims to have purchased the subject property were not the owner of the said property and the alleged sale documents were forged, fabricated and manipulated documents and were not trustworthy. It was further the case of the respondent that he had already filed two cases, one for permanent injunction wherein Hon'ble Court had granted injunction against the husband of the petitioner and second, all deposit of rent against the husband of the petitioner, and both the said cases were pending disposal before the Court of learned ARC, Delhi. It was further the case of the respondent that the subject property No. 10528 was owned by Shri Manak Chand who had died issueless and he had not sold his property to anyone during his lifetime. It was pointed out that the petitioner on the one hand that stated that she has purchased the property from grandfather of her husband on 27.12.1990 and on the contrary in para (n), it was stated that she has purchased the property from her father-in-law. It was stated that alleged agreement to sell was executed by Bholu and Kharati on 27.12.1990; however, Bholu had died before 1988 and Kharati had died before 1985, which clearly shows that the documents were forged and fabricated. It was further stated that the thumb impression of the seller and witnesses in the agreement to sell were forged and the petitioner has not filed any documentary evidence with respect to property in question. It was also stated that the site plan filed by the petitioner along with the eviction petition was not correctly demonstrating the position of the property. In view of these grounds, learned ARC was of the view that, *prima facie*, triable issues were



raised by the respondent/tenant and leave to defend was granted on 24.03.2015.

7. Respondent filed written statement dated 09.04.2015 in pursuance of the grounds raised in the leave to defend application making similar averments. During the course of trial, the petitioner examined herself as PW-1 to prove her case. Petitioner tendered evidence by way of affidavit and relied upon several documents. Respondent also led evidence by examining himself as RW-1 and relied upon several documents.

8. Learned counsel for the petitioner has submitted that in the entire written statement, the respondent had only alleged that petitioner is not owner of the tenanted premises and there is no relationship of landlord and tenant between the parties; however, he has failed to bring on record any evidence to prove his allegations. It is further submitted that learned ARC gave contradictory findings by holding that there existed landlord and tenant relationship between the parties; however, due to minor discrepancies in the cross-examination of the petitioner, the subject eviction petition was dismissed. It is further submitted that the respondent had not approached the Court with clean hands and had concealed the previous litigation between husband of petitioner and him, where he had admitted that the husband of the petitioner is landlord. It is further submitted that learned ARC failed to appreciate the cross-examination of the respondent wherein, he had deliberately concealed the material fact regarding landlord and tenant relationship and even deliberately did not identify his signature on the petition



under Sections 27 and 45 of the DRCA filed by him against the husband of the petitioner.

9. It is the case of the petitioner that learned ARC that site plan placed on record by the petitioner clearly show the extent of accommodation available in both the properties. The respondent raised objection with respect to the site plan filed by the petitioner; however, he did not file any site plan in support of his contentions. It is further submitted that the petitioner and her husband are senior citizens and it is very difficult for them to climb up to 2<sup>nd</sup> floor and therefore, due to this reason they wanted to shift to the first floor. It is further submitted that husband of the petitioner is pursuing his job work on the ground floor and there is no space to live on the ground floor.

10. It is further submitted that learned ARC has not considered the *bonafide* requirement of petitioner and had dismissed her petition in mechanical manner. The respondent has not brought on record anything to show that the petitioner is having alternative accommodation as alleged by him. It is the case of the petitioner that she has duly described the accommodation available with her including alternative accommodation but the same are not suitable for residence and requirement of the petitioner considering her age and health issues of her husband. It is further submitted that the respondent while cross-examining the petitioner had only confronted her with respect to ownership of the subject premises and nothing else.

11. It is further submitted that after passing of the impugned judgment, the old structure of the subject property was demolished and new construction



was raised by all co-owners/ co-sharers and the petitioner, as was earlier residing in second floor of this property, is still residing on the second floor of the said property and the *bonafide* requirement of the petitioner is still the same. It is further submitted that the petitioner had stated in eviction petition that husband of the petitioner was doing labour job work from ground floor of the portion of property No.10528 and due to old age, petitioner and her husband were not able to carry on said job any further and in order to meet their daily basic needs, the petitioner let out one portion of the property to Anganwadi and another small store to one tenant. It is further submitted that due to her *bonafide* need and requirement, the petitioner sold tin shed portion on the third floor in 2022 as she and her husband have no source of income and are solely dependent upon their rental income. It is, therefore, prayed that the impugned judgment be set aside and eviction petition filed on behalf of the petitioner be allowed.

**12.** *Per contra*, learned counsel for the respondent has submitted that the petitioner had never disclosed the true facts before learned ARC and had filed the eviction petition solely with intent to dispossess the respondent from the property on the basis of false and frivolous grounds. It is submitted that the subject eviction petition was filed by the petitioner alleging *bonafide* requirement comprising of one room each for petitioner, her husband, two unmarried daughters, one married daughter, and one guestroom. It is submitted that in the present case, the petitioner has alternate suitable accommodation on the ground floor of the subject property and the same has also been admitted by the petitioner in her cross examination dated 06.02.2017. It is further submitted that the petitioner had categorically stated



that two rooms on the ground floor lying in property No.10528 and only one of the said rooms is sealed by MCD. It is, therefore, the case of the respondent that petitioner had intentionally and deliberately concealed the material facts in subject eviction petition and an attempt was made to mislead learned ARC. It is further submitted that it is highly unlikely to believe that a person who claimed himself to be owner of a property does not have knowledge whether property owned by him is sealed or de-sealed. It is further pointed out that there is a categorical admission on part of the petitioner in paragraph 9 of the present petition that she had let out said two rooms situated on the ground floor to property to Anganwadi and to some other tenant. Therefore, if the petitioner *bonafidely* required space for residential purposes then, she should have satisfied her requirement from the space available at the ground floor of the subject property. It is further submitted that in contrast to her own case, the petitioner had not utilised the accommodation available on the ground floor and rented out the same to different tenants instead of satisfying her requirement.

**13.** It is further submitted that the petitioner is in habit of making false statements as in her cross-examination dated 06.02.2017, she had stated that she has been residing on the third floor of the subject property; however, the petitioner never resided on the third floor of the property at any point in time. It is further pointed out that in the memo of parties of the eviction petition as well as in the present Revision Petition, petitioner had mentioned her address as H.No.10525-10527, Second Floor, Hari Chand Chowk, Delhi. It is further submitted that the petitioner has alternative suitable accommodation in the form of property No.412, Gali No.4, Raj Nagar-II, Palam, New Delhi, and



one daughter of the petitioner has been residing there and the same has been admitted by the petitioner in her cross examination. It is further pointed out that no separate space is required by the petitioner as all her daughters have now been married and the same has also been stated by her in her cross examination. It is further submitted that the impugned judgment has been passed by learned ARC after duly appreciating all the facts as well as the grounds raised by the respondent in the written statement. Lastly, it is prayed that the impugned judgment dated 24.02.2021 does not require any interference and the present petition may be dismissed.

14. Heard learned counsels for the parties and perused the records.

15. Learned ARC has dismissed the eviction petition filed on behalf of the petitioner *vide* impugned judgment dated 24.02.2021 only on the ground that the petitioner had an alternate accommodation available and her requirement was not even *Bona fide*. The relevant portion of the judgment reads as under: -

“19. I have gone through the entire testimonies of all the witnesses on record, documents and the entire material on record. Perusal of testimony of PW1 shows that she has deposed that "it is correct that there are two rooms on the ground floor are lying vacant in property no. 10528. Vol. The same are already sealed with the seal of MCD. Again said only one room is sealed. Vol. The another one is a small room, which is being used as a store. It is wrong to suggest that MCD sealed all the portions on the ground floor in property no.10525 to 10527. Vol. Only one room was sealed by MCD one of the said property no.10525 to 10527. I am not aware if the aforesaid seal was got de-sealed on an affidavit given to MCD in the year 2016 from property no.10525 to 10528.....



*..... it is correct that there are two rooms on the second floor and one hall on the third floor lying vacant. Vol. The same are in dilapidated condition".*

20. Perusal of testimony of PW1 clearly shows that petitioner is having alternative reasonably suitable residential accommodation to satisfy the bonafide requirement as raised in the present petition. Moreover, several material facts as disclosed during the cross-examination were concealed by the petitioner and she has merely stated in the petition that they are accommodating themselves only in one room. Moreover, during the cross-examination, PW1 has admitted that she is not having any other tenant except the respondent.

21. It is well settled that the Presiding Officer of the Trial Court should place himself in the place of landlord to determine whether in the given facts on record, the need to occupy the premises by the landlord can be said to be natural, real, sincere and honest. And the concept of bonafide need or genuine requirement needs a practical approach instructed by the realities of life. It is well settled that the need/requirement of a landlord/petitioner should be bonafide, genuine, honest and conceived in good faith.

22. Though the choice and the proclaimed need cannot be whimsical or merely fanciful yet a certain amount of discretion has to be allowed in favour of the landlord also and the courts should not impose their own wisdom forcibly upon the landlord/petitioner to arrange his/ her own affairs according to their perception carried away by the interest or hardship of the tenants and the inconvenience that may result to him in passing an order of eviction.

23. I have placed myself in the place of landlord to determine whether in the given facts on record, the need to occupy the premises by the landlord can be said to be natural, real, sincere and honest. And I have also applied a practical approach instructed by the realities of life on the concept of bonafide need or genuine requirement. In view of discussions as earlier and well settled proposition of law, I am of the considered view that the need/requirement of a landlord/petitioner in the present case is not bonafide, genuine, honest and conceived in good faith.



24. In my considered view, in view of the discussions earlier, the petitioner is having the alternative reasonably suitable residential accommodation with her to satisfy the bonafide need as mentioned in present petition. In other words, the respondent has been able to prove on record that the petitioner is having malafide and alternative reasonably suitable residential accommodation with her to satisfy the requirement as raised through present petition.

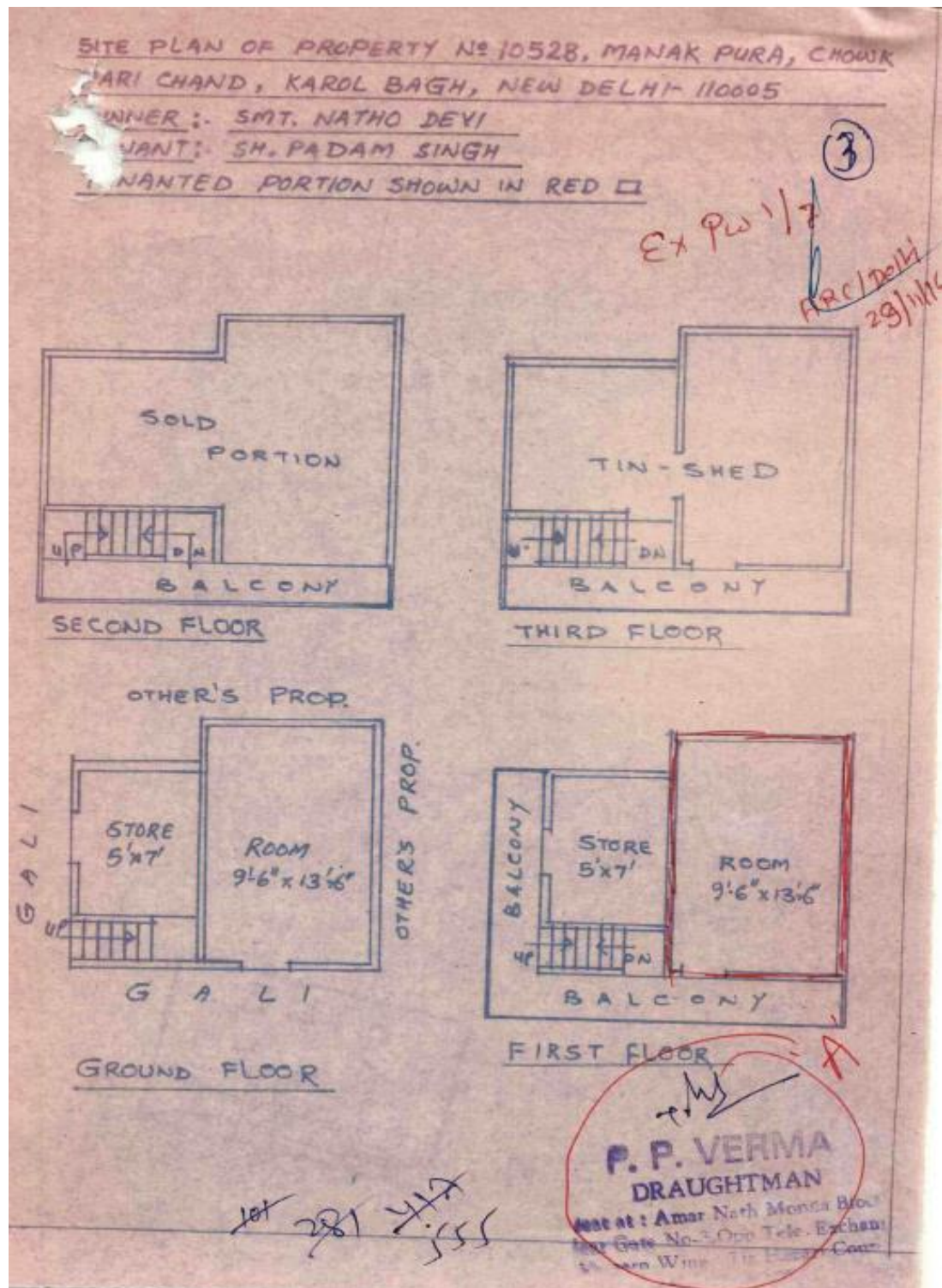
25. Perusal of record shows that the respondent as well as petitioner have relied upon a number of judgments of Hon'ble High Court and Hon'ble Supreme Court.

However, the case law relied upon by the petitioner do not assist the petitioner in view of the exhaustive discussion as earlier, peculiar facts of the case, settled law and material on record.”

**16.** At this stage, it will be apposite to reproduce the site plan (**Ex. PW-1/7**) with respect to the aforesaid property filed along with the eviction petition by the petitioner, which depicts the structure and area of the subject property/premises as under: -



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17. The tenanted premises as encircled in red rectangle as shown in the aforesaid picture was one room on the first floor of the property bearing No. 10528, Manak Pura, Chowk Hari Chand, Karol Bagh, New Delhi. The petitioner in her eviction petition had clearly disclosed that the ground floor rooms were being used by her husband, who was running his business of labour from the same, and she was assisting him in the same. Thus, the said rooms were not available to the petitioner with respect to her *bonafide* requirement. The relevant averments made by the petitioner in the eviction petition read thus: -

“(b) That the said property measuring 35 sq. yds. was purchased in the year 1990 and after purchasing the said property, the petitioner has also renovated the said property and immediately thereafter has started doing his business from the ground floor portion of the said property. In fact, the husband of the petitioner is doing labour job from the said shop and the petitioner is also assisting her husband in doing the said job work.

(c) That the respondent/tenant is occupying one room in the property bearing No. 10528, Manakpura, Chowk Hari Chand, Karol Bagh, New Delhi-110005, as shown in red colour in the site plan attached herewith, whereas the petitioner is keeping some goods in a small situated at the first floor and also keeping some equipment on the barsati floor of the aforesaid property.”

18. In evidence filed on behalf of the petitioner by way of affidavit dated 06.06.2016, she re-affirmed the aforesaid stand/averment on the similar lines. The relevant statement on oath stated by the petitioner has been reproduced as under: -

“3. The deponent affirms that the said property measuring 35 sq. yds. was purchased in the year 1990 and after purchasing the said property, the deponent has renovated also the said property and



immediately thereafter has started doing her business from the ground floor portion of the said property. In the husband of the deponent is doing labour job from the said shop and the deponent is also assisting her husband in doing in the said job work.

4. The deponent affirms that the respondent/tenant is Occupying one room in the property bearing **No.10528**, Manakpura, Chowk Hari Chand, Karol Bagh, New Delhi-110005, as shown in **red colour** in the site plan, whereas the deponent is keeping some goods in a small room situated at the first floor and also keeping some equipments on the barsati floor of the aforesaid property. The said room and the Balcony which is under the possession/occupied by the respondent in respect of the said property No. 10528 is hereinafter referred to as the *"suit property"* and has been delineated in **Red Colour** in the site plan. The said site plan is exhibited as **Ex. PW-1/7** which has been prepared at the instance of the deponent and the same is in accordance with the site and is correct."

19. Learned counsel appearing on behalf of the respondent, during the course of the arguments, had pointed out that in the present revision petition in paragraph 9, there has been a categorical admission on the part of the petitioner that, she had let out two portions on the ground floor of the subject property (10528, Manakpura, Chowk Hari Chand, Karol Bagh, New Delhi). The paragraph 9 of the present petition has been reproduced as under: -

"9. That in the eviction petition, the petitioner has stated that husband of the petitioner was doing labour job from floor portion of property No. 10528, Manakpura, Chowk Hari Chand, Karol Bagh, New Delhi. Now due to old of the petitioner and her husband, they are not able to carry on any work, therefore, in order to meet their basic needs, the petitioner let out one portion at ground floor to at a monthly per floor to another tenant at a monthly rent of Rs.2000/- per month. Due to her bonafide need and requirement, the petitioner also sold tinshed portion at third floor in the year 2022. The petitioner and her husband have no source of income and they are solely dependent upon the rental income."



20. It is a well-settled law that the tenant cannot dictate the use of premises available to the landlord. Admittedly, in the eviction petition, it had been stated that two rooms on the ground floor are being used by the petitioner and her husband for running their livelihood. Moreover, the learned ARC without examining the averments or any other material on record has come to the conclusion that the concept of *bonafide* requirement of genuine requirement needs a practical approach, and in the present case, *bonafide* requirement as averred is not genuine, honest and conceived in good faith. As noted hereinbefore, the aforesaid observations of the learned ARC, on examination of the material on record, are bereft of merits. Learned ARC has ignored the fact that it was the case of the petitioner that the ground floor was being used by her and her husband to earn their livelihood, and therefore, availability thereof or letting out the same, cannot be a ground for disentitling the petitioner from seeking eviction of the respondent from the subject premises that was necessarily and *bonafidely* required by her for her residence. The Hon'ble Supreme Court in **Savitri Sahay v. Sachidanand Prasad**<sup>2</sup>, has observed and held as under: -

“9. The next question which, however, arises is whether the conclusion of the High Court that the findings of the trial court were perverse can be said to be correct. Under normal circumstances if a landlord during the trial gets vacant possession of some other premises which are equally suitable and chooses to let them out on higher rent then it may be arguable that the need of the landlord, made out in the eviction petition, was not reasonable or in good faith. However, as seen above, the said Act provides specifically, in Explanation II, that even though a landlord may have two or more premises which have been let out, it is for the landlord to choose which one would be preferable to him or her and

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<sup>2</sup> (2002) 8 SCC 765



the tenant could not question such preference. In this case, the appellant had indicated a preference for the flat occupied by the respondent. She had given a reason why she preferred this flat. She was an old lady. She therefore could not climb to the first floor and thus the two flats on the first floor were not suitable to her. The other flat on the southern side of this building faced a road which was a very busy road and would therefore be noisy. This particular flat faced the bungalow in which she has been residing for so many years and also faced an open piece of land belonging to her husband. The trial court accepts these reasons. The High Court has merely set aside the decree on the ground that the appellant had chosen not to occupy the three other flats which became available in the same building. In our view, Explanation II to Section 11(1)(c) permitted the landlord to ignore other premises and to prefer a particular premise. The appellant having made a preference cannot be forced to occupy other premises which may become available. Further, the appellant was not required to keep those premises vacant because her eviction suit was pending, nor was there any duty cast on the appellant, under any provision of law, to offer those other premises to the respondent. If the respondent had so desired, he could have offered to vacate the flat preferred by the landlady and move into one of those other premises. If the appellant had refused to accept such an offer, it possibly could have been said that the landlady was merely seeking to get vacant possession in order to get higher rents. In that case it could have been inferred that the need of the appellant was not genuine and/or in good faith. No such case has been made out. In view of the specific provision in the said Act the reasoning of the High Court cannot be sustained.

21. In view of the aforesaid facts and circumstances of the present case, the present petition is allowed and disposed of accordingly.

22. The impugned judgment dated 24.02.2021 is set aside. The petitioner has been able to make out her case under Section 14(1)(e) read with Section 25B of the DRCA, and therefore, an eviction order is passed in her favour and against the respondent with respect to the demised premises **comprising of**



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**one room and balcony on the First Floor at Property No.10528, Manakpura, Chowk Hari Chand, Karol Bagh, New Delhi.** The respondent/tenant is directed to vacate, and hand over quite, vacant, peaceful, and physical possession of the demised premises to the petitioner/landlady, *albeit*, after availing the benefit of *six months* period from today in terms of Section 14(7) of the DRCA. No order as to costs.

**23.** Pending applications, if any, also stand disposed of accordingly.

**24.** Copy of the judgment be sent to the concerned learned ARC, Central District, Tis Hazari Courts, Delhi, for necessary information and compliance.

**25.** Judgment be uploaded on the website of this Court, *forthwith*.

**AMIT SHARMA  
(JUDGE)**

**APRIL 15, 2026/kr/ns**