

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 25 OF 2009

Vijaylal Sakharlal Barot .. Petitioner

Versus

1. Malak Hussain Malak Gulab
Since deceased through L.Rs.
1A Arkanibai W/o Malak Husain
and others .. Respondents

Shri A. g. Magare, Advocate for the Petitioner.

Shri M. G. Mustafa, Advocate for Respondent Nos. 1-A to 1-G.

CORAM : S. V. GANGAPURWALA, J.

DATE : 23RD SEPTEMBER, 2015.

PER COURT :

. The defendants assail the concurrent findings of the Courts below.

2. Mr. Magare, the learned counsel submits that, the present respondent did not have title to said property. According to the learned counsel the land was inam land. The inam stood abolished and the land was given to the Jahagirdar. The Jahagirdar's are in possession of the property. The said transaction is illegal. The respondents cannot claim any right, title or interest over the suit property. According to the learned counsel this aspect has not been considered by the Courts below in its proper perspective. The

learned counsel submits that, when the respondents did not have any authority to own the property to or to possess the property, no right is created in favour of them to file the present suit inter alia they did not have any right to seek eviction of the present petitioner.

3. Mr. Mustafa, the learned counsel for respondents supports the judgment.

4. I have considered the submissions and the judgments. The evidence has been led by the parties by which defendant has admitted of paying rent since 1968. In such a case the defendant has accepted the plaintiff as his landlord as is required under the Bombay Rent Act. To file a suit for eviction under the Rent Act existence of relation of landlord and tenant is the only requirement. The landlord need not be the owner of the property.

5. Considering the above contention of the petitioner in this regard does not survive. Both the Courts have concurrently held that the suit property is required bonafide to the plaintiff. Even defendant has admitted in the evidence that, there are 20 to 25 members in the family. The finding of bonafide requirement and arrears of rent has been arrived at by the Courts below on appreciation of evidence. The same is plausible finding. In the light of that, the revision is dismissed. No costs.

[S. V. GANGAPURWALA, J.]