

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

LETTERS PATENT APPEAL ST.NO.5403 OF 2012

IN

WRIT PETITION NO. 5142 OF 2011

KAMALBAI MANGA NIKUMBH, L.R. VASANT, L.RS. SAGAR VASANT
NIKUMBH AND OTHERS

VERSUS

BABURAO BHIKANNA NAIDU, L.RS. SHARMILA BABURAO NAIDU AND
OTHERS

...

Advocate for Appellants : Mr. Talhar Ajay G.

...

CORAM : R. M. BORDE & P.R. BORA, JJ.

Dated: July 30, 2015

...

PER COURT :-

1) Heard. The instant Letters Patent Appeal is directed against the order passed by learned Single Judge, dismissing the writ petition presented by the appellant/tenant, thereby confirming the order passed by the first appellate court, directing eviction of the tenant. The suit instituted by the landlord, claiming recovery of possession of the tenanted premises, was dismissed by the trial court. The appeal presented by the landlord to the first appellate court came to be allowed and the appellate court granted a decree of eviction on the ground of default by the tenant in making payment of amount of rent. The finding of fact recorded by the first appellate court in respect of default committed by the tenant, has been confirmed by the learned Single Judge while dismissing the writ petition.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

2) We do not find any infirmity or irregularity in the order passed by the learned Single Judge in confirming the order passed by the first appellate court, directing eviction of the tenant. Apart from this, in pursuance to the order passed by the learned Single Judge, the tenant has also tendered an undertaking to this Court to vacate the suit premises by 28.2.2012 and it has been informed that the suit premises have been vacated by the tenant. In this view of the matter, nothing survives for consideration in the instant LPA and the same stands dismissed.

(P.R. BORA, J.)

(R. M. BORDE, J.)

...