

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 74 OF 2009

WITH

C.A. NO. 10958/2009 IN C.R.A. NO. 74 OF 2009

(Balraj s/o Buchaya Potpillewar, Since deceased through
L.Rs. R.B. Potpillewar and others Vs. Premsukhlal s/o
Mansukhlal Sancheti and others)

None for the petitioners/applicants

Mr. P.F. Patni, Advocate for respondents No. 1 to 4

CORAM : M.T. JOSHI, J.

DATE : 25/03/2015

ORAL ORDER :

1. Read the order passed by this Court long back on 2nd September, 2012. It would show that either nobody has appeared for the petitioner or as and when the advocate appeared for him, sought adjournment by making the statement that the petitioner wants to change the advocate. Even the order dated 20th November, 2013 would show that the Hon'ble Judge then holding the assignment had heard both the parties at length and thereafter, again issue of change of lawyer was raised and the Court was required to remark that the same was not a healthy practice. Thereafter also, nobody is appearing for the petitioners.

2. Today also, nobody is appearing for the petitioners.

3. In the circumstances, heard Mr. P.F. Patni, learned counsel for respondents No. 1 to 4. Perused the record.

4. The record would show that the present respondents had filed proceedings for eviction of the predecessor of the present petitioners under section 15 of the Hyderabad Rent Control Act, as it stood then. It was the case of the present respondents that the tenant i.e. the predecessor of the present petitioners did not pay the rent since 1st January, 1973 and the proceeding was filed on 24th June, 1984. In the written statement filed on 9th June, 1985, the predecessor of the present petitioners admitted that since January, 1973, no rent was paid. The defence was that though the rent was tendered, it was refused. It was pleaded by the tenant that with consent of the landlady, certain repairs were made. During evidence, however, it has become clear that even the suit for recovery of rent was filed in the year 1984 and in the evidence, it was admitted that the

predecessor of the present petitioners was in arrears of Rs. 2000/-. In the circumstances, no material illegality in the findings arrived at by the appellate court are found.

5. In that view of the matter, the civil revision application is dismissed without any order as to costs.

6. In view of dismissal of civil revision application, civil application No. 10958/2009 does not survive and stands disposed of accordingly.

[M.T. JOSHI]
JUDGE

npj/cra74-2009