

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 10289 OF 2014 IN
CIVIL REVISION APPLICATION NO. 78 OF 2014**

Sayyad Ziauddin Quadri
S/o Sayyad Khaja Moinuddin .. Applicant

Vs.

Surendra Kumar Mohanlal Kala .. Respondent

Mr. Uday D. Dalvi, Advocate for applicant
None present for respondent in CA though served

CORAM : M.T. JOSHI, J.

DATE : 07/07/2015

ORAL ORDER :

Heard Mr. Dalvi.

2. He makes a statement that possession is already obtained by the petitioner in execution proceedings. He however contest that the civil application has therefore become infructuous and submits that still the present civil application for direction to deposit the rent can be heard.

3. It is to be seen that nobody is appearing for the petitioner in Civil Revision Application No.78 of 2014. Nobody has appeared for the petitioner on the

last date also. It was already directed that the present application shall be heard alongwith the civil revision application vide order dated 07/04/2015.

4. Perused contents of the civil revision application. The suit of the present respondent for possession of the suit property in rent proceedings was decreed ultimately by the appellate Court on the ground that the petitioner in civil revision application has become willful defaulter in payment of rent.

5. Perused the concurrent findings of facts of the Courts below. No material irregularity is found. Civil Revision Application No.78 of 2014 is therefore dismissed without any order as to costs.

6. Since as per the own statement of learned counsel for respondent in CRA/78/2014, that in execution proceeding, possession is already taken and since the decree for recovery of rent is already passed, the present application for direction to deposit the rent pending the revision application does not survive. The civil application no.10289 of 2014 also stands disposed of.

7. The respondent in the civil revision application would be at liberty to pursue his legal remedies for recovery of rent/mesne profits, as per the due procedure of law.

[M.T. JOSHI]
JUDGE

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