

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

CIVIL REVISION APPLICATION NO. 13 OF 2015

Vijay Mahalingappa Sabrad & Ors. ..Applicants

Vs.

Shashikala Gajanan Bapat & Ors. ..Respondents

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Mr. G.H. Keluskar a/w D.H. Keluskar, Advocates for Applicants.
Mr. Vinod Sangvikar, Advocate i/b Umesh Manakapure for
Respondent Nos.1 to 4.

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***CORAM : N.M. JAMDAR, J.
DATED : 20 APRIL 2015***

ORAL ORDER.:

This Revision Application is filed by the tenant challenging the concurrent findings and decree based on bonafide requirement of respondent-landlord.

2. The respondent had instituted a Regular Civil Suit No. 210/2008 claiming possession of two rooms from the applicant. The need pleaded by the respondent was that there were six members in his family i.e. two sons, their wives and their children. The suit was instituted in the year 2008. It was stated that the respondent has constructed a bungalow of six rooms and no hardship will be caused if decree is passed. The Trial Court accepted the

contentions of the respondent and decreed the suit on 16 February 2013. The Appeal No. 156/2013 filed by the applicant in the District Court, Sangli was dismissed by the judgment and order dated 18 October 2014.

3. It is established by way of evidence that presently the landlord's family of six members is residing in two rooms. There were two rooms that were available to the landlord when initially the respondent-landlord had filed Regular Civil Suit No. 108/1996. However due to partition in the respondent's family, the two rooms in question have gone to the share of the brother of the respondent. Therefore these two rooms are not available with the respondent. This fact has rightly been considered by both the Courts below.

4. The learned Counsel for the applicant contended that the respondent had sold certain properties during the pendency of the proceedings and this fact has not been considered in its proper perspective by both the Courts. A sale deed of this property sought to be placed on record. The deed however shows that the property is an open plot. There could be various reasons to sell an open plot and it does not reflect on the lack of bonafides as far as need to have two more rooms.

5. The learned Counsel for the respondent has pointed out that the applicants have constructed a bungalow with six rooms. Though it is stated that it is in the name of the sister of the

applicant, the finding has been recorded by the Courts below that sister stays in some other town and suit summons was served on the applicant at the newly constructed bungalow, and in reality it is the property of the applicant.

6. In view of the above facts, the findings of both the Courts below that the respondents established their bonafide need for the premises, and that no hardship will be caused to the applicant, are correct. There is no perversity in the assessment of evidence.

7. No case is made out for interference in revision jurisdiction. The revision application is accordingly rejected.

(N.M. JAMDAR, J.)