

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Second Appeal Stamp No.4056 of 2015
(Shri Madanlal Ghanshyamdas Samnani v. The Superintendent, Nashik
Road Central Prison, Nashik Road, Dist. Nashik, and another)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri Sudam Kale, Advocate for Appellant.

Coram : R.K. Deshpande, J.

Dated : 16th June, 2015

Both the Courts below have recorded the finding that the plaintiff has filed to establish the relationship of “landlord and tenant” between the defendants, who are the authorities of the State Government, and the plaintiff. The Appellate Court has recorded the finding, after taking into consideration the entire evidence, that there is no lease-deed produced on record showing the relationship of “landlord and tenant” between the defendants and the plaintiff. Some documents are produced on record, which are the rent receipts standing in the name of the plaintiff to establish the relationship of “landlord and tenant” between the defendants and the plaintiff. Both the Courts below have considered these documents placed on record. Undisputedly, one Hareram Pahelrajray Samnani was the original tenant in respect of the suit property, who died about 22 to 23 years ago, and the Appellate Court has recorded the finding that there is no document on record to show that the said tenant had executed any sub-lease agreement with the plaintiff. The Appellate Court has further recorded the finding that there is no evidence on record to show that the plaintiff was conducting the business along with the said Hareram Samnani in the suit premises. The findings of fact

recorded by the Appellate Court are after taking into consideration the evidence produced by the plaintiff on record.

Thus, no substantial question of law arises in this second appeal. The second appeal is dismissed.

Judge.

Lanjewar