

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 2495 OF 2014

Mohd. Imran Mardan Sarbatwala
through C.A.

Mr. Mohammed Asif Iqbal Springwala. ... Petitioner.

Versus

The Maharashtra Housing &
Area Development Authority & ors. ... Respondents.

Mr. Mahesh Vishwakarma, advocate for petitioner.

Ms. Rupali Dixit i/b. Ms. Sharmila Deshmukh, advocate for
respondent Nos. 1 and 2.

Mr. Chirag Balsara i/b. P.M. & Mithi & Co., advocate for respondent
No. 3.

CORAM : B.R. GAVAI & A.S. GADKARI, JJ
DATE : MARCH 18, 2015

P.C.:

1 The Petitioner is before this Court being aggrieved by the order passed by the respondent, thereby dismissing the appeal filed by the present Petitioner. It is the contention of the Petitioner that the Petitioner is having two separate tenancies, one for an area of 5.08 sq.mtrs. and another for an area of 11.10 sq.mtrs. It is the

contention of the Petitioner that since the tenanted premises are not adjacent to each other, the area of the same could not have been clubbed and the Petitioner ought to have been given separate alternate accommodation in respect of each of the said premises.

2 Thus, we see that for an area admeasuring 16.18 sqmt., the petitioner has been given an area admeasuring 35 sq.mt.

3 The scope of interference in the findings of fact is very limited. Unless the Court finds that findings arrived by the Authorities are concurrent and are perverse, only then the Court would interfere in the findings so arrived. Both the authorities have concurrently held that the Petitioner has failed to bring any document to prove that there were two separate tenancy prior to 13/6/1996. We see no reason for interfering in the findings so arrived by the Authorities. Hence, the Writ Petition is rejected and disposed of accordingly.

(A.S. GADKARI, J)

(B.R.GAVAI,J)