

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.1135 of 2015
(Umesh s/o Govindrao Jungade v. Haribhau s/o Ravji Murumkar)

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

Shri S.V. Sohoni, Advocate for Petitioner.

Coram : R.K. Deshpande, J.

Dated : 17th March, 2015

Both the Courts below have concurrently held that the respondent-landlord has established *bona fide* requirement, and hence the decree for eviction and possession has been passed by the Trial Court, which is confirmed in appeal.

The contention of Shri Sohoni, the learned counsel appearing for the petitioner-tenant, is that the original tenant Govindrao died on 19-10-2000, the suit was filed on 17-10-2007, and the property was in possession of all the legal heirs of Govindrao, who were not joined as the parties to the suit.

The Trial Court has recorded the finding on the basis of the evidence of the petitioner-tenant that the original lease with the petitioner-tenant was for a period of 10 years with effect from 2-8-1993 to 31-7-2003. Subsequent to the death of the original tenant Govindrao on 19-10-2000, the tenancy agreement was entered into between the respondent-plaintiff and the petitioner-defendant. In view of these factual aspects of the matter, the question of inheritance of tenancy rights by the other legal heirs of the original tenant Govindrao does not at all arise.

So far as *bona fide* requirement is concerned, the Courts below have recorded the concurrent finding that the suit premises are required by the respondent-landlord for expansion of his business, and the petitioner-tenant has failed to establish the comparative hardship.

Thus, no interference is called for in the judgments and orders impugned in this petition. The petition is dismissed.

Judge.

Lanjewar