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IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO.86 OF 2016

Narhari s/o Ganpatrao Dagadu
Age - 55 years, Occ - Tailoring,
R/o Weekly Bazar Road,
Sailu, Taluka - Sailu
District - Parbhani

APPLICANT

VERSUS

1. Dattatraya s/o Rangnathrao Sasane
Age - 50 years, Occ - Business,
R/o Sailu, Taluka - Sailu
District - Parbhani

RESPONDENTS

2. Ganesh s/o Rangnathrao Sasane
Age - 65 years, Occ - Business,
R/o Weekly Bazar Road, Sailu
Taluka - Sailu, District - Parbhani

3. Dadarao s/o Rangnathrao Sasane
Age - 60 years, Occ - Business,
R/o Weekly Bazar Road, Silu
Taluka - Sailu, District - Parbhani

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Mr. N. B. Patekar h/f Mr. P. R. Katneshwarkar, Adv. for applicant
Mr. Suresh W. Munde, Advocate for respondent No.1.

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[CORAM : SUNIL P. DESHMUKH, J.]

DATE : 13th DECEMBER, 2016

ORAL JUDGMENT :

1. Heard learned advocates for the parties at quite some length.

2. The revision is preferred against concurrent findings of facts by two courts hitherto, i.e. Rent Controller and the District Court, recording finding that the applicant had defaulted payment of rent and the default had been willful, the suit premises are required *bonafide* by the plaintiff - respondent No.1 and further that the plaintiff - respondent No.1 would suffer more hardship than the applicant - tenant.

3. The courts, it appears, on perusal, have considered that there have been intermittent deposits of the rental amounts after it had become due for over three to four years and in the circumstances, the courts have considered, the applicant - tenant has been a willful defaulter having regard to provisions of section 15 of the then applicable Hyderabad Rent Control Act. The courts have further noticed that the legal notice has been duly served on the applicant and tenancy as such, has been duly terminated.

4. The appellate court in quite some detail has considered the ground of *bonafide* requirement of the plaintiff and has found that the land-lord is occupying only part of the house for non residential purpose and is in need of additional accommodation for business and has further noted that the place where he is

currently doing business has no proper access, whereas the applicant - tenant appears to have admitted that he is having lands at two places and yet is holding possession of the suit property. The appellate court has further seen that the applicant - tenant is doing business on his own land.

5. The findings of facts recorded by the courts hitherto with reference to the evidence on record, does not appear to be in any way perverse. Civil Revision Application, thus carries little substance and stands dismissed as such.

6. The amount of Rs.40,000/- deposited by the applicant-tenant in this court pursuant to order dated 3rd August, 2016 passed by this court, be transmitted to the executing court and its disbursal would be governed by calculations those may be arrived at before the executing court.

[SUNIL P. DESHMUKH, J.]