

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.329 OF 2016
IN
CIVIL REVISION APPLICATION NO.750 OF 2011

Office Notes, Office
memorandum of Coram,
appearances, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Shri Viral Kishor Rathod for the Applicant.

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CORAM : A.S. OKA, J
DATED : 18TH NOVEMBER 2016

P.C.:

. Heard learned counsel appearing for the Applicant. Perused the order dated 27th January 2012. This Court has confirmed the concurrent decree of eviction passed by both the Courts below under the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 on the ground that the Applicant has acquired a suitable residence.

2. The learned counsel appearing for the Applicant submits that though the decree was also

passed on the ground of bonafide requirement, after obtaining the possession of the suit premises, it has been demolished by the Respondent. His submission is that a fraud has been played upon the Court.

3. As stated earlier, the decree was also on the ground that the Applicant/tenant has acquired a suitable residence. The said decree was confirmed by the judgment and order dated 27th January 2012 of which recall is sought. The said order was challenged by way of a Special Leave Petition before the Apex Court which has been dismissed on 10th May 2012. However, time to vacate was granted to the Applicant subject to Applicant filing an undertaking to vacate.

4. Hence, no case is made out for recall of the order. The Application is rejected.

(A.S.OKA, J)