

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6106 OF 2015

Nilima Narendrakumar Jadhav : Petitioner
versus
Shivajirao Raghunath Galande and ors. : Respondents.

Mr. N P Deshpande for the Petitioner.
Mr. R D Soni i/by Ram & Co. for the Respondent No.1.

CORAM : R. M. SAVANT, J.
DATE : 07th January 2016

P.C.

1 The writ jurisdiction of this Court is invoked by the Petitioner/original Defendant against the order dated 09/01/2015 passed by the learned District Judge-18, Pune by which order the Appeal in question being Civil Appeal No.118 of 2009 came to be dismissed and resultantly the judgment and decree dated 29/12/2008 passed in Regular Civil Suit No.232 of 2004 in favour of the Respondent No.1/original Plaintiff came to be confirmed.

2 The suit in question was founded on the three grounds viz. arrears of rent, sub-letting and banafide requirements. It appears that the evidence of a person who was not in possession was led on behalf of the Defendant i.e. the Petitioner herein. The Trial Court on a consideration of the material on record has answered the issues relating to the arrears of rent, sub-letting and bonafide requirements in favour of the Respondent No.1 – Plaintiff/landlord and decreed the suit.

3 The Petitioner/Defendant carried the matter in Appeal by filing Civil Appeal No.118 of 2009. The Lower Appellate Court has affirmed the findings of the Trial Court on all the three issues and has accordingly confirmed the decree dated 29/12/2008 passed by the Trial Court.

4 In the light of the concurrent orders passed by both the Courts below, exercise of the writ jurisdiction of this Court under Article 227 of the Constitution of India is not warranted. The above Writ Petition is accordingly dismissed.

5 The learned counsel for the Petitioner prays for time to vacate the premises in question. In the facts and circumstances of the case, the Petitioner is granted time up to 31st May 2016 to vacate the premises on the usual undertaking being filed by the Petitioner in this Court within two weeks from date. If the undertaking is not filed, it would then be open for the Respondent No.1 to execute the decree in accordance with law.

[R.M.SAVANT, J]