

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2783 OF 1996

Mrs. Hirabai Gajanan Mulik

.. Petitioner

-Versus-

Gopal Gangadhar Pendse

..Respondent

None for petitioner

Mr. A.V.Anturkar, Senior Advocate with Mr. Prathamesh Bhargude for
respondent

CORAM : R.G.KETKAR, J.

DATE : 22nd September 2016.

P.C.

1] Heard Mr. Anturkar, learned Senior Counsel for the respondent. None appears for petitioner, though, office remark shows that court notice is duly served on the petitioner.

2] This petition is directed against the judgement and decree dated 31st March 1993 passed by the learned trial Judge . The learned trial Judge dismissed the suit of the petitioner herein. The petitioner thereafter preferred appeal. The learned District Judge allowed the appeal only on the ground of change of user as contemplated under section 13(1)(a) of the Bombay Rent Act and declined to pass decree of

eviction on other grounds viz., (i) carrying out additions and alterations of permanent nature without written permission of the landlord under section 13(1)(b), the defendant causing nuisance and annoyance to the neighbouring occupants under section 13(1)(c) and defendant acquiring suitable alternate residence under section 13(1)(l) of the Rent Act.

3] As I have dismissed the petition filed being W.P.No.5966 of 1995 filed by the defendant and upheld the decree passed under section 13(1)(a) of the Rent Act, this petition does not survive and the same is dismissed. Even otherwise none appears for the petitioner. Rule is discharged. No costs.

(R.G.KETKAR, J)