

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.793/2011
WITH
CIVIL APPLICATION NO.7/2012

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mrs. Pratibha Shelke i/b. P. J. Thorat for the Applicant

Mr. R. S. Datar i/b. Dushyant Pagare for the Respondent Nos.1A to 1G.

CORAM : K. K. TATED, J.

DATE : MARCH 15, 2016

P.C.:

1. Heard. By this Application the Applicant-tenant challenges the concurrent findings of facts recorded by both the courts below.

2. In the present proceedings, the respondent Plaintiff filed RAE & R Suit No.4105/1988 in the court of Small Causes, Mumbai for recovery of suit premises i.e. room No.6, Chawl No.1., Kamble Chawl, Gamdevi Road, Tembipada, Bhandup, Mumbai – 400078 on the ground that the Defendant failed to pay rent within stipulated time.

3. Both the courts categorically held that the Petitioner failed to deposit the rent within stipulated time after filing the suit and/or before the first date of hearing.

4. The Apex Court in the matter of ***Sunil Kumar & Ors. V/s. Anilkumar, reported in 2008(9) SCC 241*** held that High Court should not interfere the concurrent findings of facts recorded by court below, if no perverse or infirmity pointed out in the order.

5. The apex court in the matter of ***Mranalini B. Shah Vs. Bapalal Mohanlal Shah, AIR 1980 SC 954*** held that if payment of rent and permitted increases if not deposited by the tenant regularly during the course of suit or appeal, then tenant is not entitled any protection. The Apex Court held that the term regularly is mandatory and not directory.

6. Considering this fact, I do not find any substance in the Civil Revision Application. Same stands dismissed.

JUDGE