

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.6452 OF 2015

Leelabai @ Jallabai wd/o Daulatrao Yawale

-vs-

Abdul Nafiz Abdul Hafiz

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri P. S. Patil, Advocate for petitioner.

Shri R.M. Sharma, Advocate for respondent.

CORAM : A.S.CHANDURKAR, J.

DATE : JUNE 17, 2016

Heard. The challenge in the present writ petition is to the decree for eviction passed by the trial Court under the provisions of Section 16(1)(g) of the Maharashtra Rent Control Act, 1999 which decree has been confirmed by the Appellate Court.

The respondent who is the landlord had purchased the suit property which was occupied by the petitioner as a tenant. According to the respondent, there were about seven members in his family. The premises where he was residing were insufficient. The petitioner was residing alone in the suit premises. On a consideration of the evidence on record, the trial Court held that the

evidence of the respondent was trustworthy and that the petitioner had admitted in her cross-examination that the respondent was residing in a rented premises. On that count, the need of the respondent was held to be proved. Though a plea was raised by the petitioner that the respondent did not have valid title to the suit property, in her cross-examination, she admitted that the respondent had purchased the suit property from Bhagirathibai which aspect has been considered by the Appellate Court in paragraph 11 of its judgment.

On the aspect of hardship, it has been found that the same was likely to be caused to the respondent considering the number of family members. It was further held that the petitioner had not paid rent since 1996 and was not willing to pay the same.

In view of aforesaid findings recorded by both the Court, it cannot be said that any error was committed by both the Courts by passing a decree for eviction against the petitioner. The conclusion arrived is based on evidence available on record and the same cannot be said to be perverse. Hence there is no case made out to interfere in writ jurisdiction. The writ petition is

therefore dismissed with no order as to costs.

Considering the fact that the petitioner is occupying the suit premises since long, she is granted time to vacate the same by the end of November 2016 subject to filing undertaking that vacant possession of the suit premises would be handed over to the respondent by 30/11/2016 and the arrears of rent payable to the respondent would be cleared within period of two months from today. Order accordingly.

JUDGE