

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

**SECOND APPEAL (ST) NO. 3685 OF 2017
WITH
CIVIL APPLICATION NO. 462 OF 2017**

Shri Ganpatrao Shankarrao Jadhav ...Appellant
vs.
Shri Babu Appanna Chougule & Anr. ...Respondents

Mr.V.B. Rajure for Appellant.
Mr.P.D. Pise for Respondents.

**CORAM : S.C. GUPTE, J.
21 MARCH 2017**

P.C.:

Heard learned Counsel for the parties.

2 The subject matter of the present second appeal is the purported tenancy of the Appellant (original Plaintiff) under the Respondents (original Defendants). Both courts below have come to concurrent findings of fact that there was no relationship of landlord and tenant between the parties and that the Plaintiff was merely in permissive possession of the suit property. On the basis of these findings, the Defendant owners' counter claim for recovery of possession against the Plaintiff was decreed by the courts below. No substantial question of law arises from these concurrent findings.

3 The second appeal is, accordingly, dismissed. No order as to costs.

4 Learned Counsel for the Appellant prays for some further time

to be granted to him to vacate the suit premises and handover possession thereof to the Respondents.

5 On his application, the Appellant is given time upto 30 September 2017 to vacate the suit premises and handover possession thereof to the Respondents in accordance with the impugned judgment and decree of the courts below.

6 In case any amount is deposited by the Appellant before the courts below towards compensation for unauthorised occupation of the suit premises in the event of there being an adverse order, the same be refunded to the Appellant with accrued interest, if any.

7 In view of the disposal of the appeal, the civil application does not survive and the same is also disposed of.

(S.C. GUPTE, J.)