

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

CIVIL REVISION APPLICATION NO.186 OF 2017

Dattatray Vitthal More : Applicant.
versus
Khurshidbano A Rashid Vakil
(deceased) LRs of deceased
Samina A Rashid Vakil and anr. : Respondents.

Mr. Prashant B Kulkarni i/by Mr. Anant Vadgaonkar for the Applicant.
Mr. S S Koregave for the Respondents.

CORAM : R. M. SAVANT, J.
DATE : 19th APRIL 2017

P.C.

1 The revisionary jurisdiction of this Court is invoked against the judgment and order dated 23/12/2016 passed by the learned District Judge-3, Solapur, by which order the Appeal filed by the Applicant came to be dismissed and resultantly the decree passed by the Trial Court in Regular Civil Suit No.295 of 2008 came to be confirmed.

2 The suit was founded inter-alia on the ground of default in payment of rent, change in user, permanent additions and alterations, causing nuisance and bonafide requirements. In so far as other grounds save and except the ground bonafide requirement are concerned, the same were answered against the Plaintiff i.e. the landlord. In so far as the ground of bonafide requirement is concerned, the Trial Court returned the finding in

favour of the Plaintiff – landlord. The issue of comparative hardship was also answered in favour of the Plaintiff – landlord. The Trial Court on the basis of the material on record came to a conclusion that greater hardship would be caused to the Plaintiff – landlord if the decree is not passed than to the Defendant – tenant if the decree is passed.

3 The decreeing of the suit on the ground of bonafide requirements was challenged by way of Regular Civil Appeal No.57 of 2015. The Lower Appellate Court confirmed the finding of the Trial Court in so far as the bonafide requirement and comparative hardship is concerned. The Lower Appellate Court adverted to the fact that the Plaintiff Samina who is handicapped would be prejudiced if the decree is not passed as she intends to start business in the suit premises, and would be deprived of earning, if the decree is not passed.

4 In the light of the concurrent orders passed by the Courts below, no case for interference in the revisionary jurisdiction of this Court is made out. The above Civil Revision Application is accordingly dismissed.

[R.M.SAVANT, J]