

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4520 OF 1996**

Pradeep Achyut Walimbe	...Petitioner
<i>Versus</i>	
The Maharashtra Sate Sahakari Agriculture & Rural Development Bank	...Respondent

Mr Pradeep Thorat, a/w Ms Aditi Naikare, for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 17th November 2017**

PC:-

1. Mr Thorat states that the original plaintiffs, the Maharashtra State Sahakari Agriculture and Rural Development Bank Limited, is in liquidation. There is an affidavit of the petitioner that states this in paragraph 4 at page 52, apart from saying that the landlord has also recovered possession of other premises. The ground for ejectment was *bona fide* requirements of the landlord. Obviously, that cannot survive the company going into liquidation. This is a subsequent event but it must result in the petition being made absolute and the suit being dismissed. No ejectment can be ordered against the petitioner on such a ground.

2. The impugned appellate order of 6th February 1996 is quashed and set aside as is the original decree dated 31st July 1989. The suit is dismissed. Rule is made absolute in these terms.
3. No costs.

(G. S. PATEL, J)