

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 581 OF 2017

Sunil Ravindranath Sangle & Anr	...Applicants
<i>Versus</i>	
Hilla Builders Pvt Ltd	...Respondent

Mr Mohammed Saeed A Mogul, *for the Applicants.*
Mr Y Ghogani, *a/w L Rubens, Pratik Shah & D Sheth, i/b Vigil Juris,*
for the Respondent.

CORAM: G.S. PATEL, J
DATED: 9th November 2017

PC:-

1. Heard. The tenant is in revision against an order of 18th March 2017 of the Appellate Bench of the Small Causes Court, Mumbai. The tenant Plaintiff's declaratory suit was dismissed. The Appeal also failed.
2. In revision it is alleged that the Appellate Court was in error in not confirming the claim to tenancy and in not holding that the applicants are protected as statutory tenants.
3. It is not in dispute that Ravindranath, the father of the Applicants was residing in the suit premises. He has produced on record nine receipts paid towards repair charges from 1972. These are

in the name of the Reavindranath and they showed that repair charges were being paid. There is also evidence in the form of a ration card and other documents. All these documents show that the possession of the Applicants is not in dispute. There is also a letter addressed to one DC Sangle, the Applicants' uncle. The letter is addressed to him and the rent receipts are in the name of DC Sangle. This is noted in paragraph 18 of the impugned order. DC Sangle was very much alive at the time of the appeal. The Appeal Court noted that as on the date of the order neither the Applicants father nor his wife Sunita R Sangle or either of the Applicants had rent receipts in their name. The Court therefore held that was not possible to held that the Applicants had succeeded to the tenancy that stood in the name of DC Sangle, the Applicants' uncle.

4. There is no eviction proceeding. If the Applicants are in possession, that is not being disturbed by the impugned order. I find no reason to interfere with the impugned order.

5. Civil Revision Application is dismissed. No costs.

6. I am now informed that DC Sangle passed away a few weeks ago. That again is not a reason to interfere, because the factual situation as it stood before the Appellate Court was that DC Sangle was then alive. If, on account of his passing, the Applicants have any rights, they are free to agitate those in appropriate proceedings in accordance with law. All contentions are, of course, open in that regard.

(G. S. PATEL, J.)