

1. All these three matters are substantially similar. I will take the facts from the first.

2. The challenge is to the appellate order dated 29th November 2016 passed by the District Judge-2, Thane. The Applicant in Civil Revision Application was the Appellant before the Appellate Court and the Defendant in the Trial Court. The Plaintiff claimed possession of a structure admeasuring 8 ft x8 ft where the Defendant was running a grocery shop, general merchandise and cold storage commercial unit. The Plaintiffs stated that thereafter the Defendants/original tenant constructed a permanent structure of 8 ft x 15 ft x 13 ft and started an electrical shop in the suit property. The Plaintiffs claim that the Defendant was in the arrears of rent and demanded possession.

3. In response, the original Defendant, since deceased, said that she was not a tenant of the Plaintiff but a member of the Plaintiff's society and, therefore, such a ejectment suit did not lie. It was argued that the suit land was allotted to the Defendant's father as a member of the Plaintiff. There was evidence of an agreement of 18th March 1987 between the Plaintiff and the Defendant's father, Pundalik Patil. This was apparently a document to lease. It was argued that the society was not permitted to lease the property to anyone, but this alone would not make the Defendant a society member. The Defendants led no evidence in support of their contention. Moreover, it appears that none of the Defendants at least in Civil Revision Application No. 553 of 2017 ever even entered the witness box.

4. By the impugned order the Appellate Authority dismissed the Defendants' appeal. On a reasonable reading of the order under

challenge, it is impossible to find any infirmity. There is no material irregularity or perversity.

5. The Civil Revision Application No. 553 of 2017 is rejected. There will be no order as to costs.

6. In Civil Revision Application No. 554 of 2017, the facts are broadly similar and the Defendants who are the Applicants again had led no evidence. Thus, this Civil Revision Application is also rejected with no costs.

7. For the reasons recorded in Civil Revision Application No. 553 of 2017, Civil Revision Application No. 555 of 2017 is also rejected.

(G. S. PATEL, J.)