

JPP

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

WRIT PETITION NO. 5805 OF 2013

Mrs. Seema D/o. Kantilal B. Bhavsar
Since deceased through L.Rs. And Ors. ... Petitioners.

V/s.

Mr. Vijay Ramchandra Deorukhkar
Since deceased through L.Rs. And Ors. ... Respondents.

Mr. Amogh Karandikar for the Petitioners.

Mr. Ashok Tukaram Gade for Respondents 4,5, 7 and 8.

Coram : N.M. Jamdar, J.

Date : 22 March, 2017.

Oral Order :-

This is a Petition by a tenant. The Respondent – landlord had instituted two different suits against the Petitioner – tenant i.e. R.A.E. Suit No. 5637 of 1981 and R.A.E. Suit No. 2392 of 1985. The present Petition arises from R.A.E. Suit No. 5637 of 1981. This suit was decreed and the Appeal filed by the Petitioners was dismissed by the Appellate Bench.

2. An Affidavit-in-reply has been filed on behalf of the Respondents. It is placed on record that the other Suit filed by the Respondent – landlord i.e. R.A.E. Suit No. 2392 of 1985 was decreed and the Appeal was dismissed and the Writ Petition No. 5804 of 2013 filed by the Petitioner was dismissed on 4 July 2013. Thereafter, the Review Petition was filed by the Petitioner, that was also dismissed. The Special Leave Petition filed by the Petitioner was dismissed on 16 August 2013. It is an admitted position that thereafter, the possession of the suit premises has been taken over by the Respondent – landlord in pursuance to the execution proceedings. Therefore, as on date, the Respondent – landlord has lawfully taken the possession of the suit premises from the Petitioner pursuant to the execution of the decree in other suit.

3. In the circumstances, the challenge in the present judgment and order has been rendered academic. The Writ Petition is accordingly disposed of.

(N.M. Jamdar, J.)