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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 590 OF 2017

Alka Yashwant Raut & Anr	...Applicants
<i>Versus</i>	
Gurunath Janu Joshi & Anr	...Respondents

Ms Preeti Walimbe, *for the Applicants.*
Mr Ravindra R Chile, *for the Respondents.*

CORAM: G.S. PATEL, J
DATED: 10th November 2017

PC:-

1. Rule. Rule is made returnable forthwith. By consent, taken up for hearing and final disposal forthwith.

2. The impugned order dated 28th July 2017 at page 86 is most unsatisfactory. There is no discussion or analysis of the evidence. In paragraph 11, the Appellate Court only said that the Trial Court had properly appreciated all factual aspects. Then in paragraph 14 there is a finding returned “in light of the above arguments and evidence available on record” the bona fide requirement of the landlord is proved. That is all. That is the whole of it. This is not how the First Appeals are to be decided. A First Appeal is a matter of right. It requires the First Appellate Court to consider the evidence, pleadings and arguments carefully.

3. The impugned order cannot be sustained. It is set aside and the matter is remanded to the First Appellate Court for decision afresh.
4. All contentions are expressly kept open.
5. Civil Appeal No. 50 of 2013 is restored to file. It will be decided uninfluenced by the previous decision of 28th July 2017. In addition, the appellant will be at liberty to file an appropriate application for taking additional evidence for putting further material on record and it will be considered by the First Appellate Court on its merits, again with all contentions being left open.
6. The Civil Revision Application is disposed of in these terms. There will be no order as to costs.

(G. S. PATEL, J)