

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 56 OF 2017

Mohan Atmaram Vernekar (Sonar) Through POA
Sunny Surendra Vernekar & Anr ...Applicants
Versus
Bhagatsingh Balasaheb Rajput & Anr ...Respondents

Mr Shriram Kulkarni, i/b Tejpal S Ingale, for the Applicants.
Mr NV Walawalkar, Senior Advocate, i/b Suresh M Sabrad, for the
Respondents.

CORAM: G.S. PATEL, J
DATED: 6th December 2017

PC:-

1. Having heard both sides it is not possible to interfere with the impugned order dated 29th September 2016 of the District Judge, Sangli at Exhibit 'K' from page 110. It is manifestly clear that the Appellants, viz., the original Defendants, were persistently in default at every level. Even when the standard rent of the premises at Bazar Peth, Sangli were reduced from 1,500/- per month to Rs.600/- per month, the Defendants continued to be in default. The impugned order carefully notes the history of this litigation — especially in the context of multiple defaults — from paragraphs 27 to 36. The finding as a matter of fact is that the Defendants till the year 2008 were constantly in arrears. Even when this Court gave them an opportunity, they did not

avail of it. The Appeal Court observes that these tenants had no regard for either the law or orders of Courts including the High Court.

2. It is not possible therefore to accept the argument that the standard rent was wrongly fixed or that it should have or have not included certain other items or anything in that vein. Those who seek protection of the law must show that they have not breached it. Those who seek the Court's protection must show they have not disobeyed orders previously passed. Those These Defendants have, by their own actions, robbed themselves of all entitlement to protection.

3. The Civil Revision Application is rejected. There will be no order as to costs.

4. On behalf of landlord, Mr Walawalkar makes a statement that the ejectment decree will not put into execution for a period of four weeks from today. The statement is accepted. All previous interim orders stand vacated.

(G. S. PATEL, J.)