

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

**CIVIL APPLICATION NO.681 OF 2014
IN
CIVIL REVISION APPLICATION NO.205 OF 2008**

Ajit V. Sangale and ors.

...Applicants

Versus

Smt.Sumitra Pandurang Kokate (dead)
through Lrs.
Mrs.Rohini Chandrakant Lendhe and ors.

...Respondents

Mr.Rahul P. Walvekar for the applicants.

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 26th JULY 2019.

P.C. :

The applicant, as the landlord, has sought the respondent's eviction. For that purpose, he has filed RAE Suit No.280/612 of 1993. On 5th May 2001, the Court of Small Causes, Mumbai, decreed it. Aggrieved, the respondents-tenants filed a statutory appeal before the Appellate Bench of the Small Cause Court. In fact, that Appeal was allowed it on 4th February 2006. Then, the landlord filed this Civil Revision Application in 2008.

2. In the course of time, on 29th April 2011, this Court dismissed the Civil Revision Application for non-prosecution. Thereafter, in 2014, the

landlord filed the Civil Application to have the Civil Revision Application restored to file.

3. As the delay is inordinate, the applicants' counsel submits that the applicant stays in Poona, and he could not properly instruct the counsel on record. That apart, the counsel then on record did not properly communicate to the landlord the developments in the case.

4. At any rate, it is a case of reversed findings, and the landlord desires to regain possession of his property. This Court earlier allowed the landlord to take out notice to the tenants. But he could not serve the notice on them. Then, the Court allowed the application to take out substitute service. After publishing the notice in the newspapers, as Order 5 mandates, the landlord filed the proof before the Court.

5. Under these circumstances, I allow this Civil Application with costs of Rs.5,000/- to be paid to the Maharashtra State Legal Services Authorities.

6. Post the Civil Revision Application No. 205 OF 2008 on 9th August 2019.

[DAMA SESHADRI NAIDU, J.]