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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.112 OF 2019

IN

REVIEW PETITION (ST) NO.7470 OF 2018

IN

WRIT PETITION NO.2944 OF 1997

Satyanarayan Raghu Bans Upadhyay
(since deceased) through LRs. & Ors.

..Applicants.

V/s.

Ramprasad Tiwari (since deceased)
through LRs. & Ors.

..Respondents.

None for the applicants.

None for the respondents.

CORAM : M.S.SONAK, J.

DATE : APRIL 22, 2019

P.C.:-

Though, learned counsel for the applicants or for that matter the review petitioners are not present, the delay in instituting the review petition is hereby condoned. Civil Application No.112 of 2019 is hereby allowed.

2. The main ground taken in the review petition is that, the land on which the suit property is in existence is in the name of Bombay Municipal Corporation. On the basis of this, it is sought to be urged

that the respondents are not proper landlords in respect of the suit premises.

3. According to me, the aforesaid ground cannot be a ground to seek review of the order dated September 1, 2017 passed by this Court. The record indicates the existence of landlord tenant relationship between the parties. The contention that there were some co-owners which was raised in the main petition was rejected by the observations that one of the co-owner has instituted a suit for eviction. The issue of the land being allegedly in the name of Municipal Corporation is quite irrelevant because in the matter of such nature, we are concerned with the issue of landlord and tenant relationship and not on the issue as to whether the title in the land vests with any Municipal Corporation or not.

4. Accordingly, no case is made out by exercising the review jurisdiction. The review petition is accordingly dismissed. There shall be no order as to costs.

(M.S.SONAK, J.)