

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

CIVIL REVISION APPLICATION NO. 524 OF 2015

Tauhid Ahmed Rashid Khan (Since deceased) Through LR's. & Ors.	...	Applicants
V/s.		
Aatik Ahmed Manzur Sayyad & Ors.	...	Respondents

Mr.Amol Mhatre for Applicants.
Mr.Girish Togani for Respondents.

CORAM : A.S. GADKARI, J.

DATE : 13th November 2019.

PC. :

1] By the present Revision Application under Section 115 of the Civil Procedure Code, the applicants-landlords have impugned concurrent findings recorded by both the Courts below.

The suit bearing Civil Suit No.225 of 1996 filed by the applicants for eviction of the respondents from the suit premises under the provisions of the Bombay Rent Control Act, 1947 (for short, "said Act") on the ground of arrears of rent, erecting permanent structure,

subletting and on other grounds has been dismissed by the learned Joint Civil Judge, Junior Division, Bhiwandi, by its Judgment and Order dated 20th January 2006.

The Civil Appeal No. 62 of 2006 preferred by the applicants has been dismissed with costs by the learned District Judge-3, Thane, by its Judgment and Order dated 31st August 2013.

2] Heard the learned counsel for the applicants and the learned counsel for the respondents. Perused the record annexed to the application.

3] The record indicates that, the respondents though have admitted the fact that the land beneath the suit structure belongs to the applicants, have disputed the ownership of the applicants over the suit structure wherein they are residing.

The record further indicates that, the applicants have failed to prove the basic fact that, the respondents are their tenants in the suit premises. Once the applicants failed to prove the basic fact that, the respondents are their tenants in the suit premises, the net result of the litigation would be of dismissal of the proceedings initiated by the applicants under the said Act, as the applicants have failed to establish

the basic necessity under the law. The other grounds raised by the applicants in their suit such as erection of structure of permanent nature or subletting of suit premises therefore does not arise for consideration and according to this Court, it need not be dwelt upon any further.

4] In view of the above, I find no merits in the Application.

Application is accordingly dismissed in *limine*.

[A.S. GADKARI, J.]