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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1883 OF 1997**

Shri Madhukar Kashinath Bhanushali Petitioner.

V/s

Shri Vishnu Harischandra SawantRespondent.

Mr. Kishor Patil for the Petitioner.
None for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: 1st August, 2019.

P.C.:-

1] This Petition is by the landlord, questioning the order passed under Section 70(b) by the Agricultural Lands Tribunal (“ALT”) on 28/02/1993, thereby declaring the Respondent as tenant, which finding is confirmed in Tenancy Appeal No.27 of 1993 by the Sub-Divisional Officer (“SDO”) vide order dated 30/05/1994 which was further confirmed by the Maharashtra Revenue Tribunal (“MRT”) vide order dated 15/02/1996.

2] The submissions of learned Counsel for the Petitioner while questioning all these orders are, that the application moved by the Respondent-tenant was too vague to be answered. According to him, certain evidence was brought on record by the Petitioner/landlord so as to demonstrate that the Respondent/tenant was intermittently not in possession and, at the most, the case of Respondent could be that of contractual tenancy. He would urge that the aforesaid issues are not appreciated by all the three authorities.

3] None appears for the Respondent.

4] If the contentions of the Petitioner are appreciated, what can be noticed is, after initial order of remand passed by the SDO, further inquiry was conducted by the ALT in which respective parties have led their evidence. The said evidence was duly analysed by the MRT and accordingly finding is recorded that the Respondent is a tenant of the

Petitioner. While recording such finding, reliance is placed on the evidence of witness produced by the respondent, including that of documentary evidence.

5] The witness which was produced by the Petitioner, so as to substantiate his case that the Respondent-tenant was having contractual tenancy, has not supported his case. As such, perusal of all the three orders, which are impugned in the Petition, are based on evidence which was brought on record by the Respondent and since the Petitioner/landlord has failed to discharge his burden, so as to demonstrate that tenancy, as is claimed by him of the Respondent, is a contractual one, in my opinion, no case for interference is made out. Petition fails and the same stands dismissed.

(NITIN W. SAMBRE, J.)