

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

CIVIL REVISION APPLICATION NO. 505 OF 2018

Ashok Narayan Bhanushali	...	Applicant
V/s.		
The Tulsidas Gopalji Charitable and Dhakleshwar Temple Trust & Ors.	...	Respondents

Mr. Rajesh Parab, Advocate for the Applicant.
Mr. Tejas Dande a/w Bharat Gadhavi a/w Vaibhav Kulkarni i/b Tejesh Dande &
Associates for the Respondent No.9.

CORAM : A.S. GADKARI, J.

DATE : 21st November 2019.

PC. :

1] By the present revision, the applicant has impugned concurrent finding recorded by both the Courts below under the Maharashtra Rent Control Act, 1999 (for short, "the said Act").

The Suit bearing No. 583 of 2005 filed by the applicant for declaration that, he is a tenant in the suit premises as contemplated under Section 7 (15) (d) read with Section 25 of the said Act, has been dismissed by the Learned Judge of the Small Causes Court, Mumbai by its judgment and order dated 15th

April, 2014. The Appeal No. 285 of 2014 preferred by the applicant before the Appellate Bench of Small Causes Court, Mumbai has been dismissed by its Judgment and Order dated 22/06/2018.

2] Heard Mr. Rajesh Parab the learned counsel for the applicant and Mr. Tejas Dande learned counsel for the respondent No. 9. Perused the entire record annexed to the application.

3] The record indicates that, the applicant had filed said R.A.D Suit No.583 of 2005 in the court of Small Causes at Mumbai for declaration that, he is a tenant, in the suit premises in view of Section 7 (15) (d) of the said Act, as on the date of demise of his father Shri Narayan Bhanushali on 10/06/1997 he was residing in the suit premises.

In the cross-examination, the applicant has admitted that he has performed intercaste marriage in the year 1978 and started residing at Bandra. That the defendant no.1 who is daughter of the second wife of the deceased was residing alongwith the father of the applicant in the suit premises. He has further admitted that, in the year 1997 his daughter was taking education in 7th Standard at Bandra. It is thus, apparent that, the applicant has failed to prove the basic fact that on 10/06/1997 i.e. the date of demise of his father Shri Narayandas Bhanushali, he was residing in the suit premises. In view thereof, the trial court has rightly dismissed the suit for declaration preferred by the applicant claiming tenancy rights in the suit premises.

4] After perusing the entire record and the impugned Orders passed by both the Courts below, this Court is of the considered view that, both the Courts below have not committed any error either in law or on facts while dismissing the suit preferred by the applicant.

I find no merits in the application and is accordingly dismissed.

[A.S. GADKARI, J.]