

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

CIVIL REVISION APPLICATION (L) NO.25663 OF 2019

Shri Traders Bags House

And Others

... Applicants

Versus

Shri Macchindranath S. Shilarkhane

... Respondent

.....

Mr. Zaid Qureshi for the Applicants.

Mr. K.D. Bhosale for the Respondent.

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CORAM : S.C. GUPTE, J.

DATE : 18 OCTOBER 2019

P. C. :

. Heard learned Counsel for the parties.

2 This civil revision application challenges two concurrent orders and decrees of eviction passed by the courts below. The Respondent, who was the original plaintiff, is the landlord of the premises, whereas the Applicants, who were the defendants in the eviction suit, are the tenants in respect of the suit premises. The suit was on the ground of *bona fide* requirement of the landlord in respect of the suit premises.

3 The landlord's case before the courts was that he was carrying on a family business of preparation and sale of '*basundi*', which was carried on since the time of his forefathers. There were nine

members in his family. There were two rooms admeasuring 250 sq.ft. available to him for carrying on this business. It was his case that his sons were now grown up and married and he was in the need of suit premises for his business; he had no other place for doing business. It was deposed by him before the courts that he had to use one residential room occupied by his family for his business, namely, preparation of *basundi* and one room for sale and also by keeping a table in front of the suit premises by the side of the road. He submitted that he was, thus, really in need of the suit premises for doing his business. This case was contested by the defendants *inter alia* by submitting that there were other premises available in the suit building. It was submitted that there were tenants in use of these premises and the landlord-plaintiff could have carried out his business by making use of any of these premises.

4 The courts below have come to the conclusion that it was clear from the evidence on record that for want of suitable premises, the plaintiff had been doing his business of preparation of *basundi* from one of the residential rooms occupied by him and that he was selling the products by keeping a table on the road in front of the suit premises. The courts were of the view that it was not shown that the plaintiff had any other suitable premises available for doing his business. The courts accepted that there were about eight tenants in the suit property, but observed that it was not shown that any other commercial premises were available with the plaintiff other than the suit premises. The courts were of the view that under these

circumstances, the need of the plaintiff in respect of the suit premises could not be said to be imaginary or fanciful. The courts considered the defendants' argument that the suit premises were not actually required by the plaintiff as space needed for his business was small. The courts observed that it was the landlord, who was the best judge of this requirement; the plaintiff had every right to develop his business and for developing it (in the backdrop of his growing family), his need for the suit premises appeared to be real and genuine; he needed the suit premises *bona fide* and reasonably for doing his business.

5 The analysis of the courts below and the findings arrived at by them cannot be said to be vitiated by either an error of jurisdiction or perversity. No interference is warranted, accordingly, under the revisional jurisdiction of this court. There is, in the premises, no merit in the civil revision application, and the same is dismissed.

(S.C. GUPTE, J.)