

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.22 OF 2017

Chandrashekhar Dhanappa Kapse and another ... Applicants
Vs.
Malinath Gangadhar Ghatole ... Respondent

Mr. Uday P. Warunjikar for Applicants.
Ms Shivani S. Samel and Mr. Kaustubh Thipsay for Respondent.

CORAM : R. G. KETKAR, J.
DATE : JUNE 13, 2019

P.C. :

Heard Mr. Warunjikar, learned Counsel for the applicants and
Ms Samel, learned Counsel for the respondent.

2. By this Application under Section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'), applicants, hereinafter referred to as 'defendants No.1 and 2' have challenged the judgment and decree dated 01.04.2014 passed by the learned 7th Joint Civil Judge, Junior Division, Solapur in Regular Civil Suit No.832 of 2009 as also the judgment and order dated 06.10.2016 passed by the Principal District Judge, Solapur in Regular Civil Appeal No.135 of 2014. By order dated 01.04.2014, the learned trial Judge partly decreed the Suit and directed defendants No.1 to 3 to deliver possession of the suit property within three months and further ordered enquiry into mesne profits. Defendants No.1 and 2 preferred appeal. By order dated 06.10.2016, the learned District Judge maintained the eviction decree under Section 16(1)(g) of the Maharashtra Rent Control Act, 1999.

3. Mr. Warunjikar has tendered copy of the email dated 12.06.2019

sent by him to the instructing Advocate Sushil Kalekar requesting him to contact him. The same is taken on record and marked 'X' for identification. Mr. Warunjikar states that he has not received any response from the instructing Advocate.

4. On the other hand, Ms Samel submitted that respondent-plaintiff has received possession of the suit premises one year back.

5. Even otherwise, the Courts below have concurrently decreed the Suit under Section 16(1)(g) of the Act. As plaintiff has received possession, no case is made out for interfering with the impugned orders. Civil Revision Application fails and the same is dismissed.

(R. G. KETKAR, J.)