

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6140/2019

Sunder R. Yadav

..VS..

Anjum R. Mishabatur Raheman & anr.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.A. Choube, Advocate for the petitioner

CORAM : Z.A.HAQ, J.

DATED : 04/09/2019

Heard.

By the impugned judgment, the trial Court has decreed the claim of the respondents for fixation of standard rent of the tenanted premises occupied by the petitioner. This judgment is challenged on the ground that the trial Court has committed an error by deciding the civil suit overlooking the fact that the plaintiffs failed to establish landlord – tenant relationship. Further contention is that the plaintiffs have not shown that after they acquired the property, notice of attornment was issued to the defendant (present petitioner).

The learned trial Judge has relied on the judgment and decree passed in R.C.S. No. 344/2003 which was filed by Misbah-ur-Rahman (husband of the respondent no. 1 and father of the respondent no. 2). In the judgment delivered in R.C.S. No. 346/2003, it was held that the defendant (present petitioner) was tenant of Misbah-ur-Rahman. The learned trial Judge has further recorded that

the record discloses that the plaintiff no. 1 is wife of Misbah-ur-Rahman and plaintiff no. 2 is daughter of Misbah-ur-Rahman. There is nothing in the written statement which was filed by the defendant before the trial Court to show that the defendant had disputed the relation of the plaintiffs with Misbah-ur-Rahman. Hence, the challenge raised by the petitioner – defendant on the point of landlord – tenant relationship is without any basis. As far as the contention of the petitioner – defendant about non-issuance of notice of attornment is concerned, the same also does not require any consideration in view of passing of the decree in R.C.S. No. 346/2003 and the findings recorded in the judgment passed in that civil suit.

The learned trial Judge has also given due consideration to the evidence on record, for determining the standard rent of the premises in question. It cannot be said that the findings recorded by the learned trial Judge are without any basis or suffer from illegality or perversity. Hence, I see no reason to interfere with the impugned judgment and decree.

The writ petition is **dismissed**. No costs.

JUDGE

Ansari