

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.7020 OF 2022

**KASHINATH RAGHO SONAWANE DIED INDUMATI KASHINATH SONAWANE
AND OTHERS
VERSUS
BHIKAN WALJI PATIL**

...

Advocate for Petitioners : Mr. Ajeet B. Kale

...

CORAM : MANGESH S. PATIL, J.

DATED : 08 JULY 2022

PER COURT :

Heard the learned advocate Mr.Kale for the petitioners.

2. This is an exceptional matter where the landlord who had filed a suit for eviction in the year 1996 was unsuccessful at the trial court. He preferred an appeal in the year 2005. It was dismissed on merits in the year 2012. He is now approaching this court in the year 2022, challenging the judgment and order of the appellate court.

3. It was expected of the petitioners to have at least explained in the petition the cause which prevented than from preferring the writ petition for almost 10 years. Merely because a writ court is not regulated by the provisions of the Limitation Act, a party cannot be allowed to approach the court according to his convenience.

4. The respondent must be assumed to be having a legitimate expectation regarding termination of the lis. The lis which has terminated around 10 years back is now being sought to be injected with life.
5. In my considered view, it would not be appropriate for this court to cause any inference by entertaining the writ petition.
6. The learned advocate Mr. Kale for the petitioners submits that unfortunately, the petitioners could not avail of the opportunity to challenge the judgment of the district court which was a composite judgment in respect of the suit for eviction as also an application for fixation of standard rent which was in the form of revision before the lower appellate court. He would submit that in view of subsequent events, the petitioners still requires the suit premises reasonably and *bona fide* for personal use and occupation and should be permitted to file a separate suit.
7. Needless to state that the law does not require any such permission. If the petitioner are able to demonstrate that by passage of time and may be in view of supervening events, they still require the suit premises for reasonable and *bona fide* requirement for personal use and occupation, they can file the suit and satisfy the court regarding existence of the ground for eviction.
8. Writ petition is dismissed.

(MANGESH S. PATIL, J.)