

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

CIVIL REVISION APPLICATION NO.2 OF 2020

Chandrashekhar s/o. Irappa Hurdale,
died, through L.Rs. -
1/A. Shivsamb s/o. Chandrashekhar
Hurdale and anr.

..Applicants

Vs.

Dwarkabai wd/o. Manikrao Kankal,
since deceased, through L.Rs.
1/1. Sow. Jyoti @ Shama Prakash Sulakhe
and ors.

..Respondents

Mr.S.P.Brahme, Advocate h/f. Mr.H.V.Patil, Advocate for applicants

Mr.S.S.Rathi, Advocate for respondent nos.1(1), 1(2), 2(1) to 2(3), 3
and 4

**CORAM : R.G. AVACHAT, J.
DATE : JUNE 30, 2022**

ORDER :-

Heard.

2. This is original defendants' Revision Application taking exception to the judgment and decree passed by the trial Court, directing them to vacate the suit premises held by them as tenants. They have been unsuccessful before the appellate Court. Possession of the suit premises was asked for on the ground of *bona fide* requirement and default as well.

3. Learned counsel for the applicants would submit that the respondents/landlords have two more premises. The findings given on the question of the competitive hardship is perverse one. He has reiterated all the grounds and the averments in this application for challenging the decree impugned herein. He has also relied on the judgment of the Apex Court in the case of **Deena Nath Vs. Pooran Lal**, AIR 2001 SC 2655.

4. The applicants-tenants have suffered concurrent findings of facts. Learned counsel for the respondents-landlords has brought to the notice of this Court the admission given by the applicants admitting to have five shop-blocks at Ambajogai road. Needless to mention that the suit premises is used for commercial purpose. In view of this factual position, this Court finds both the Courts below to have rightly directed the applicants to vacate the suit premises.

5. Having realised that this Court is not with the applicants, learned counsel for the applicants prays that the applicants may be granted one year's time to vacate the suit

premises. Learned counsel for the respondents-landlords would submit that at the most, three months' time be granted.

6. This Court finds eight months time to be just and reasonable for vacating the suit premises.

7. In view of the above, the Civil Revision Application stands dismissed, with a direction to the applicants to vacate the suit premises within a period of eight months from the date of this order. The applicants are directed to furnish undertaking that they would vacate the suit premises within the time frame and they shall not create any third party interest in respect of the suit premises.

[R.G. AVACHAT, J.]

KBP