

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

**CIVIL REVISION APPLICATION NO. 97 OF 2021
WITH
INTERIM APPLICATION NO. 1562 OF 2021
IN
CIVIL REVISION APPLICATION NO. 97 OF 2021**

1) Municipal Commissioner
2) Municipal Corporation of Greater
Mumbai Applicants
v/s.
Mukhtiyar Ahmed Varaya Respondent

Mr. R.V. Govilkar with Mr. Santosh Parad and Mr. Om Suryawanshi
for the Applicants – MCGM.
Mr. Sajjad H. Patel for the Respondent.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.
DATED : 12th SEPTEMBER, 2022.**

P. C. :-

. Heard Mr. Govilkar, learned senior counsel for the Applicants and
Mr. Patel, learned counsel for the Respondent.

2. The Applicants (tenant) have challenged the judgment and order
dated 06/05/2021 whereby Judge, learned Judge, Small Causes Court
dismissed the Appeal No.189/2017 and upheld eviction decree of the
learned Trial Court dated 29/03/2017 in R.A.E. & R. Suit
No.1147/2015.

3. The Respondent had filed a suit for recovery of possession of the

suit premises i.e., Room Nos.13, 14 and 15 located on the 1st floor of building known as Patel Chamber also known as Dharamshi Mansion, Plot No.57, House No.11, 11-A, 11-E, Curry Road, Lalbaug, Mumbai – 400012 on the ground of non-user for more than six months from the date of institution of the suit. The said rooms which shall be hereinafter referred to as ‘the suit premises’ were let out to the Applicants for running a school.

4. It is not in dispute that the electricity and water connection in respect of the suit premises was disconnected in the year 2009. There is substantial evidence on record to prove that the Respondent did not take any steps to put the premises to use for the purpose for which it was let out for a continuous period of six months immediately preceding the date of the suit.

5. Under the circumstances, the finding of the Trial Court are not vitiated by any misdirection in law or perversity. Hence, the Civil Revision Application has no merits and is accordingly dismissed.

6. Interim Application stands disposed of in view of dismissal of the Revision Application.

**PREETI
H JAYANI**

(SMT. ANUJA PRABHUDESSAI, J.)