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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.382 OF 2018

Revansiddha Mallikarjun Yerate (deceased)

Through its Legal Heirs/Representatives

a) Rekha Sunil Rajmane and Others Applicants.

V/s

Ramchandra Radhakisan Prabhu Respondent.

Mr. Anand S. Kulkarni for the Applicants.

Mr. B.A. Lawate for the Respondent.

CORAM: NITIN W. SAMBRE, J.

DATE: OCTOBER 18, 2022

P.C.:-

1] Suit of the landlord being RCS No.531 of 2011 for possession of the suit premises and recovery of amount came to be dismissed vide judgment and order dated 16/4/2016 passed by Joint Civil Judge, Junior Division, Solapur. Appeal carried by the present Applicant/landlord being RCA No.165 of 2016 was also dismissed on 19/1/2018. As such, this Revision.

2] Counsel for the Applicant/landlord would urge that case for eviction and possession was based on failure of non-applicant to pay rent of Rs 15,209/-. According to him, both the Courts below committed an error in not appreciating the issue of failure of the non-applicant to clear the arrears.

3] In response to the Court's query, Counsel for the Applicant informs that suit premises are already collapsed being in dilapidated condition. Counsel for the Respondent reports no instructions in the matter.

4] I have considered the submissions.

5] Suit came to be dismissed in view of admission given by the Plaintiff in the evidence about receipt of rent so also deposit of the amount demonstrated by the non-applicant/tenant. There are concurrent findings recorded by both the courts below on the facts as regards payment of rent and failure of the Applicant to establish a case of failure to clear arrears of rent. That being so, no error of jurisdiction could be noticed in the orders impugned. Application as such fails and same stands dismissed.

(NITIN W. SAMBRE, J.)