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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5773 OF 2021**

Shri R.P. Saple (Since deceased)
Shri Hemant Radhakrishna Sapale Petitioner.

V/s

Shri R.D. Sabnis (since deceased)
1(a) Shri Suresh D. Sabnis (since deceased)
1(b) Shri Vyankatesh Devidas Kamat
and Ors. Respondents.

Mr. Prabha Badadare i/b Omkar G. Nagwekar for the Petitioner.
Mr. Aviral Jain i/b Economic Laws Practices for Respondent No.4.

CORAM: NITIN W. SAMBRE, J.

DATE: JULY 01, 2022

P.C.:-

1] In a suit for eviction on the ground of bonafide need, arrears of rent, application Exhibit-134 for issuance of witness summons to the Officials of Adani Power, vide order impugned dated 28/2/2020 came to be rejected. Revision against the said order before Appellate Bench of the Small Causes Court was held to be not maintainable. As such, this Petition.

2] Contention is, it is necessary to issue witness summons to the officials of Adani Power so as to prove that the tenant was not using the suit premises for the given period.

3] As far as the aforesaid contentions are concerned, rightly so

observed by the Trial Court, Petitioner is not seeking eviction on the ground of non-user. Apart from above, document which is placed on record in support of examination of such witness is not issued by the officials of Adani Power. That being so, no illegality could be noticed in the order impugned. Petition as such fails and same stands dismissed.

(NITIN W. SAMBRE, J.)