

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

CIVIL REVISION APPLICATION NO.325 OF 2022

Shri. Mulchand Vishwakarma
Since deceased through legal heirs
Smt. Shanti Mulchand Vishwakarma & Ors. ..Applicants
Versus
Shri. Pyarelal Mangilal Tanwar ..Respondent
Mr. Ram U. Singh, for the Applicants.

CORAM : NITIN W. SAMBRE, J.

DATE : 14th JULY, 2022

P.C.

1. As per request made, Advocate Ram Singh is permitted to argue the matter in continuation of the order dated 12th July, 2022.
2. Mr. Ram Singh has taken me through the evidence produced on record claiming that the Government of Maharashtra has issued Pitch Holder Card No.80215 in favour of brother of the petitioner Mr. Laxmi Ram Sharma. According to him, subsequent thereto rent was received by the Government of the said land at the rate of Rs.20/-. He has relied on certain receipts to that effect. He would as such urge that there is enough evidence to infer that respondent is not owner as such

absence of landlord tenant relationship between the applicant and the non-applicant/landlord. He has also invited my attention to the examination-in-chief of the applicant wherein aforesaid issue was categorically sought to be established.

3. I have appreciated the said submissions in the backdrop of the oral evidence of the applicant. In cross-examination applicant in categorical terms admitted the landlord tenant relationship. Not only the aforesaid admission, it can be also inferred that the claim put forth by the applicant that the rent was paid to the Government as against the hut owner's card is also not substantiated. The applicant was unable to substantiate his claim that he has succeeded to the interest of his deceased brother in regard to the suit property. That being so, no case for interference is made out. The applicant has failed to establish legal infirmity in absence of any error of jurisdiction or in exercise of jurisdiction, as such this Court refrains itself from exercising revisional jurisdiction.

4. The revision as such fails, dismissed.

[NITIN W. SAMBRE, J.]