

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

WRIT PETITION NO.12189 OF 2018

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Mrs. Gitadevi Kailasnath Shukla ..Petitioner
Versus
Shaikh Ebrahim Mohammedally Nulwala ..Respondent

Mr. Anand Pande, for the Petitioner.

CORAM : NITIN W. SAMBRE, J.

DATE : 11th NOVEMBER, 2022

PC.

1. The respondent took out proceedings which was numbered as RAN Application No.64/Misc of 2005 before the Small Causes Court, Mumbai under the provisions of Section 7(15)(d)(i) of the Maharashtra Rent Control Act, 1999, praying therein issuance of directions to the respondent/landlord/subsequent purchaser to accept the rent. The said prayer came to be allowed vide impugned judgment dated 4th March, 2008, which was confirmed in revision being Revision Application No.5 of 2010 on 20th July, 2017. As such, this writ petition.

2. The contentions are, the respondent herein has claimed to be maternal grandson of original tenant, namely Abdul Hussain Ismailji. The counsel would urge that the said tenant expired in the year 1960 and there is hardly any material to infer the alleged blood relation or the right to succeed tenancy to the present respondent

under the provisions of Section 7(15) of the Rent Control Act. So as to substantiate his contention, he would invite attention of this Court to the nature of evidence adduced by the respondent to establish his claim that he was tenant in the suit premises.

3. I have appreciated the submissions.

4. The fact remains that the suit premises were purchased by the present petitioner from predecessor-in-title, namely Manohar Sitaram Bharve and Madan Vishnu Mahajan. The petitioner becomes landlady subsequent to 1998. Till such period, it is established by the respondent/tenant that he has continued to pay rent to the erstwhile landowner which is accepted the same without any demur or objection. The rent receipts and ration card issued on the address i.e. the suit premises were duly proved by adducing evidence by the respondent.

5. This evidence has prevailed before both the Courts below to record finding against the petitioner wherein directions are issued to accept the rent. No error of jurisdiction or illegality could be noticed which warrants interference in extraordinary jurisdiction as order appears to be in tune with the provisions of Section 7(15) (d) of the Maharashtra Rent Control Act, 1999.

6. As such the petition fails, dismissed.

[NTIN W. SAMBRE, J.]