

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 2494 OF 2022

Shriram s/o Budhaji Thakre -- Petitioner

Vs.

Sardar Bhupendrasingh S/o Sardar -- Respondents
Ratansingh Arneja (Dead) Through his
legal representatives

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Amol Mendhe, Advocate h/f Mr. A.D. Dangore,
Advocate for Petitioner

Mr. Harish Dangre, Advocate for Respondent Nos. 1(a),
1(b), 2 to 4

CORAM : MANISH PITALE, J.

DATE : 14th JULY, 2022

By this writ petition, the petitioner has challenged order dated 30/03/2022, whereby an application at Exh.24, seeking amendment of written statement at appellate stage has been rejected.

2. The material on record shows and it is emphasized by the learned counsel for the respondents that they had been seeking possession of the tenanted premises since the year

1978. The ground for eviction projected on behalf of the respondents was bonafide need, along with other grounds under the provisions of the C.P. & Berar Letting of Houses and Rent Control Order, 1949.

3. In the said first round of litigation, permission to issue quit notice on the ground of bonafide need was granted to the respondents, which attained finality with the issue being settled finally before this Court.

4. Thereafter, the quit notice was issued and pursuant thereto proceedings initiated and a decree was passed in favour of the respondents and against the petitioner herein.

5. The petitioner filed an appeal before the District Court, challenging the said decree. In the said pending appeal, the aforesaid application at Exh.24 was filed seeking amendment of the written statement at appellate stage, to add certain events which had a bearing on the question of bonafide need. The nature of proceedings undertaken between the parties clearly shows that the question of bonafide need had attained finality against the petitioner under the provisions of the aforesaid Rent Control Order and the proceedings undertaken thereafter do not

contemplate revisiting findings rendered against the petitioner in the earlier round.

6. Therefore, on this short ground, the petition deserves to be dismissed. No error is attributable to the impugned order passed by the Court below. Hence, the writ petition is dismissed.

7. The appeal has been pending for a long time, from the year 2007 and as noted above, the respondents have been litigating for seeking eviction of the petitioner since the year 1978. Hence the proceedings in appeal bearing Regular Civil Appeal No. 458/2007, are expedited. It is directed that the appeal shall be decided within three months from today.

JUDGE