

Pooja K.

**IN THE HIGH COURT OF JUDICATURE OF BOMBAY**  
**BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 143 OF 2022

Vijay Ramchandra Dhangekar (died)  
Thr LRs Savitri Vijay Dhangekar and Ors. ... Applicants  
*Versus*  
Sadullakhan Mansoorkhan and Ors. ... Respondents

...  
Mr. V.S. Bedre – Advocate for Applicants  
Mr. V.D. Sapkar i/b. Mr. S.R. Sapkal – Advocate for Respondent No.5  
....

**CORAM : GAURI GODSE, J.**  
**DATE : 9<sup>th</sup> January, 2023**

**PER COURT :**

1. This revision is filed by the tenant for challenging the decree of eviction passed by the Trial Court and confirmed by the Appellate Court. Suit was filed by the respondents/landlords on the ground of bonafide requirement as well as under Section 16(i)(k) of the Maharashtra Rent Control Act, 1999 ('the Rent Act') as the respondents/landlords had received notice for demolition under Section 195 of the Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act, 1965 ('the said Act of 1965').
2. The learned 5<sup>th</sup> Joint Civil Judge, Junior Division, Ahmednagar

passed judgment and decree dated 29<sup>th</sup> June, 2016 in Regular Civil Suit No. 799 of 2000 on the ground of bonafide requirement as well as under Section 16(i)(k) of the Rent Act. In the Regular Civil Appeal No. 264 of 2016 filed by the applicants – tenants, the learned District Judge – 9, Ahmednagar by the judgment and decree dated 6<sup>th</sup> August, 2022 dismissed the appeal and confirmed the decree of eviction only on the ground of Section 16 (k) of the Rent Act.

3. Learned counsel appearing for the applicants submit that, though there is notice of demolition issued under Section 16(i) (k) of the Rent Act, there was no evidence produced on record to show that the suit property is in dilapidated condition. He submits that, evidence on record as well as admission given by the respondents/landlords shows that, the suit property is not in dilapidated condition. He further submits that, he is occupying suit premises in the year 1998 and the notice of demolition is dated 8<sup>th</sup> November, 2000. He states that, till today the suit property is intact and hence the eviction claimed on the ground of immediate demolition is false and hence, suit for eviction on the said ground needs to be dismissed. Hence, he submits that, the Civil Revision Application deserves consideration.

4. Learned counsel appearing on behalf of respondents/landlords submit that, notice of demolition is not challenged by the respondents. Being owner of the property the respondents are under obligation to comply with the notice under the said Act of 1965. He points out that, the original tenant/defendant was also a tenant with respect to the house property which was adjacent to the suit property which is a shop premises. He states that, the suit which was filed on the same ground with respect to the house property was decreed by the Trial Court and same is confirmed by this Court. He has produced the copy of order dated 6<sup>th</sup> September, 2011 passed by this Court in Civil Revision Application No. 169 of 2010. By this order the eviction decree passed against the present applicant with respect to house property on the basis of same demolition notice is confirmed and Civil Revision Application filed by the applicants is dismissed. Learned counsel for the respondents further state that, decree for eviction with respect to the **house property** is already executed. He further submits that, on the same ground the present impugned eviction decree also needs to be confirmed.

5. I have perused the copy of order passed by this Court. There is

clear finding that, notice of demolition was issued under the said Act of 1965. The order dated 6<sup>th</sup> September, 2011 passed by this Court also shows that decree for eviction with respect to the house property under Section 16 (i)(k) is confirmed up to this Court. The present suit for eviction from the shop premises which is subject matter of the same demolition notice, pursuant which eviction decree in respect of house property is confirmed upto this court. There is nothing shown to me as to why and how a different view is possible in respect of suit property. A different view cannot be taken in this Civil Revision Application.

6. For the reasons stated above, I do not find any merit in the Civil Revision Application. Hence, the same is dismissed.
7. There will be no order as to costs.

**[ GAURI GODSE ]  
JUDGE**

**Note : This order is modified as per order dated 1<sup>st</sup> March, 2023. The corrections are shown in bold & italics.**