



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.2203 OF 2022
IN
CIVIL REVISION APPLICATION NO.31 OF 2022

Pushpalata Madhukar Jhagde
(deceased) through legal heirs
Yogesh Madhukar Jhagde & Ors.

...Applicants

Versus

Aarati Kishan Jha

...Respondent

Mr. Pradeep Thorat a/w Ms. Aditi S. Naikare for the Applicants.

Mr. Yahya Ghogari a/w Mr. Mustafa Shabbir Shamim and Ms. Apeksha Sharma i/by Shamim and Co.for the Respondent.

CORAM : N.R. BORKAR, J.

DATED : 30 AUGUST 2023

PG. :

This is an application under Order 41 Rule 27 of the Code of Civil Procedure, 1908.

2. The respondent/landlord herein had filed the suit for eviction and possession. The suit was contested *inter alia* on the ground that the area where suit premises is situated is notified as '*Slum*' and in absence of permission of competent authority the suit was not maintainable. As no evidence was led to that effect by the

applicants/tenants, the said issue was answered against them and the suit was decreed.

3. The appeal was filed and in appeal, an application under Order 41 Rule 27 of the Civil Procedure Code, 1908 was filed and the Notification issued under the Slum Areas (Improvement and Clearance) Act, 1956, was produced. However, the said Notification was found to be in relation to some other area. The appeal was thus dismissed.

4. A writ petition was thereafter filed. The said petition was withdrawn with liberty to file review petition before the Appellate Court. The Review Petition was filed which came to be dismissed by order impugned in the present Civil Revision Application.

5. Admittedly, the documents in relation to which the applicants now want to adduce additional evidence were in existence, when the appeal was pending. However, only Notification was produced before the Appellate Court.

6. Considering the overall facts and circumstances of the case, no case is made out to allow the present application. The Interim Application is rejected.

(N.R.BORKAR, J.)