



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL REVISION APPLICATION NO. 480 OF 2023**

Shri. Abhay Maruti Shendkar

.... Applicant

v/s.

Radhakrishna Avdhoot Tapasvi  
and ors.

.... Respondents

Mr. Ajay A. Joshi for the Applicant.

**CORAM: SMT. ANUJA PRABHUDESSAI, J.**

**DATED : 31<sup>st</sup> AUGUST, 2023.**

**P. C. :-**

. Heard learned counsel for the Applicant.

2. The challenge in the application is to the order dated 23/06/2023 passed by the learned Judge, Small Causes Court, Pune dismissing the application at Exhibit - 17 filed by the Applicant in Regular Darkhast No.85/2017.

3. The Respondent Nos.1 to 4-landlords are the owners of house No.393 Taluka Haveli, Pune. The Respondent No.5 was occupying the said house as a tenant thereof. The Respondent Nos.1 to 4 had filed a suit for eviction (Civil Suit No.48 of 2012) against the Respondent No.5-tenant and his nephew, the Applicant herein. The name of the Applicant was subsequently deleted. The Respondent Nos.1 to 4 and the Respondent No.5 entered into consent terms, pursuant to which

consent decree dated 10/08/2016 came to be passed.

4. The Respondent Nos. 1 to 4 filed execution proceedings being Darkhast No.85/2017, for execution of the consent decree. The Applicant herein filed an application under Order 21 Rule 99 obstructing execution of the decree on the ground that he is in the possession of the premises. The said application came to be rejected mainly on the ground that the Applicant herein is not claiming any independent right in the tenanted premises. The said order has been challenged in this application filed under Section 115 of the C.P.C.

5. The records reveal that the Applicant is a nephew of Respondent No.5 who was the original tenant. The Applicant is not claiming any independent right in the tenanted premises but claims that he is the family member of the original tenant. The tenant has already entered into consent terms and has not challenged the consent decree. In such circumstances, the Applicant has no right to resist or obstruct the decree on the ground that he is the family member of the original tenant. I do not find any illegality or irregularity in the impugned order. Hence, the Application is dismissed.

**(SMT. ANUJA PRABHUDESSAI, J.)**