



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4100 OF 2022

Smt. Jayshree Ashok Bhatt widow
of Ashok Govindji Bhatt ... Petitioner

Versus

Maneesh Bawa and others ... Respondents

WITH
INTERIM APPLICATION NO. 14399 OF 2023

.....

Mr. Akshay Shah for the Petitioner.
Mr. J.S. Kini alongwith Mr. Aum Kini instructed by Ms. Sapna Krishnappa
for the Respondents.

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CORAM : N.R. BORKAR, J.

DATED : 1 SEPTEMBER 2023

P.C. :-

1. The respondents herein in a suit filed by them for eviction and possession of the suit premises against the petitioner, filed an application at Exhibit-21 for inspection of the suit premises. The trial court has allowed the said application against which Revision was filed before the Appellate Bench of the Small Causes Court, Mumbai. By the order impugned, the Appellate Bench has dismissed the said Revision. Hence, this Petition.

2. I have heard the learned Counsel for the petitioner.

3. The learned Counsel for the petitioner submits that there exists no landlord tenant relationship between the petitioner and respondents. It is submitted that the respondents are not the owners of the suit premises and thus, the trial court erred in allowing the application at Exhibit-21 and the Appellate Bench without appreciating the said fact erred in dismissing the Revision Application. The learned Counsel for the petitioner in support of his submission has relied upon various Judgments of the Hon'ble Supreme Court and this Court.

4. I have perused the impugned orders. The Appellate Bench in it's order, has referred to various documents to conclude that respondents are the landlords of the suit premises. In the petition also the petitioner has admitted payment of rent, though under coercion. Whether the rent was paid under coercion or otherwise is matter of trial. Considering the overall facts and circumstances, I am not inclined to entertain the present petition.

5. Writ Petition is dismissed.

6. Interim Application also stands disposed of.

(N.R. BORKAR, J.)