



IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

910 SECOND APPEAL NO. 619 OF 2023

Hindustan Petroleum Corporation LtdAppellant

VERSUS

Kamalnain Prutvichand Sablol & anotherRespondents

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Mr. A. P. Bhandari, Advocate for Appellant

CORAM : R. M. JOSHI, J.

DATE : 2nd FEBRUARY, 2024.

PER COURT :

1. Original unsuccessful defendant has preferred this appeal under Section 100 of Code of Civil Procedure raising exception to the judgment and decree passed in Regular Civil Suit No. 736/2014 which is confirmed by First Appellate Court in Regular Civil Appeal No. 280/2018 by judgment and order dated 6th September, 2023.

2. Certain facts are not in dispute such as plaintiff is the owner of the suit property which was leased out to the defendant vide lease deed date 12th October, 1976 (Exhibit 26). The lease deed provided clauses indicating that defendant was entitled for three extensions of 10 years each i.e. 30 years in total, unless there was

any breach of any conditions of the lease deed on the part of the defendant. Extension was not agreed beyond 31st August, 2014. On 30th June, 2016, the owner issued notice of termination of lease, whereby, the lease deed came to an end with effect from 31st August, 2014.

3. Admitted terms of contract between the parties indicate that there is no vested right in the defendant to seek further extension of the lease beyond 31st August, 2024. Moreover, defendant is a Public Sector Undertaking, as such statutory protection under Maharashtra Rent Control Act is not available to the defendant. In such circumstances, this Court finds no infirmity in the decree of eviction passed by the Trial Court which is confirmed by First Appellate Court. Thus, no substantial question of law is involved in this appeal and in absence thereof second appeal cannot be entertained. Appeal, therefore, deserves to be dismissed and is accordingly dismissed.

4. Learned counsel for defendant submits that the defendant is occupying the suit premises for last 65 years and there

is a running retail outlet from the suit premises. Without prejudice, he seeks one year time to vacate the suit premises.

5. Appeal is dismissed at the stage before issuance of notice to other side and as such this Court is not inclined to pass any order. However, it would be open for the defendant/appellant to make such request to the Execution Court. The Execution Court to decide the same having regard to facts and circumstances of the case.

6. Pending application, if any, does not survive and stands disposed of.

(R. M. JOSHI)
Judge

dyb