

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

SECOND APPEAL NO. 678 OF 2023

Deepak Ganpati Patil

.....Appellant

V/s.

Rupali Raghunath Bhakare

.....Respondent

Ms. Shweta Bhosale *a/w. Mr. Onkar Shinde, for the Appellant.*

CORAM : SANDEEP V. MARNE, J.

Dated : 8 February 2024.

P.C. :

1. By this Appeal, the Appellant challenges the Judgment and Order dated 27 January 2023 passed by the Ad-hoc District Judge-1, Islampaur dismissing Regular Civil Appeal No. 96 of 2017 confirming the Decree dated 29 July 2017 passed by the Civil Judge Junior Division, Shirala, District-Sangli.

2. I have heard the learned counsel appearing for the Appellant. It is seen that the Plaintiff had executed Agreement dated 22 April 2004 with the Defendants by which the suit property was let out for a period of five years. It is the case of the Defendants/Appellants that tenure of the rent agreement was renewed on 22 November 2009 for a further period of five years. Admittedly, even the tenure of the second

agreement dated 22 November 2009 came to an end in the year 2014. The First Appellate Court has recording a finding that the provisions of the Maharashtra Rent Control Act, 1999 are not applicable to the suit property and that the Agreement will therefore have to be treated as a lease within the meaning of the provisions of the Transfer of Property Act. On expiry of period of lease, I do not see any reason why the Appellant can demand that he must be permitted to occupy the suit premises. It also appears that the Defendant attempted to purchase one-third share from one of the Plaintiffs in respect of the suit property. If that is the case, it is for the Appellant to assert his ownership rights in respect of one-third share that he has purchased. In absence of any right to remain in the suit premises, after expiry of the Rent Agreement, the decree of ejectment granted by the Trial Court cannot be faulted. I therefore do not see any serious error in the orders passed by the Trial Court and the first Appellate Court. No substantial question of law is involved in the Appeal. The Appeal is accordingly rejected.

SANDEEP V. MARNE, J.

NEETA
SHAILESH
SAWANT

Digitally
signed by
NEETA
SHAILESH
SAWANT
Date:
2024.02.09
18:13:38
+0530