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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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CIVIL REVISION APPLICATION NO.601 OF 2018

Vishwanath S. Pai & Ors. ...Applicants
V/s.
Sunita W. Pai & Ors. ...Respondents

Mr.Shailesh Salvi for the Applicants.

Ms.Prajakta Shringarpure i/b Bina Pai for the Respondents.

CORAM : RAJESH S. PATIL, J.
DATE : 7TH MARCH, 2024.

P.C. :-

1. Advocate appearing for the Applicants is unable to make any submissions.
2. This Civil Revision Application filed under Section 115 of the Code of Civil Procedure, is pending in this Court from 2018 for admission. From the records, it can be seen that on every occasion, advocate for the Applicants, is reluctant to argue the matter. On earlier occasions viz. on 31 July 2019, 9 August

2019, 20 August 2019, 11 September 2019, 25 September 2019, 10 October 2019, 14 November 2019, 16 January 2020, 6 February 2020, 11 March 2020 and 15 February 2024, the Applicants by consent sought adjournments and were not ready to argue the matter. On 9 November 2022, it was made clear to the Applicants that if they don't proceed with the matter on next date, this Court will be constrained to dismiss the matter.

3. The Applicants had filed R.A.D. Suit against the Respondents. The said R.A.D. Suit was dismissed and the Appeal carried forward before the Appellate Bench of the Small Causes Court, Mumbai was also dismissed.

4. One "Mr.Radhakrishna" was tenant of two premises viz. Room No.8 in Prajapati Bhuvan Building and Block No.6, Ram Niwas Building. Original tenant 'Radhakrishna' died on 20 January 1960, the tenancy of the two premises were transferred in the name of his nephew, "Waman" (husband of Defendant No.1). Plaintiffs are the legal heirs of one 'Shrirang' (another nephew of original tenant Radhakrishna). The transfer of rent receipt is not challenged. Both the Courts held that Plaintiffs

have failed to prove their tenancy rights in both the suit premises. Hence the suit for declaration of tenancy was dismissed.

5. No case is made out by the Applicants, the Civil Revision Application is dismissed.

(RAJESH S. PATIL, J.)