

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 253 OF 2024

M/s. Manilal Patel And Company & Anr.

... Applicants

Versus

The Board Of Trustees of

The Port of Bombay & Ors.

... Respondents

Mr. Ranjit A. Thorat, *Senior Advocate a/w Ms. Pratibha Shelake for the Applicants.*

Mr. Roopadaksha Basu *i/b M/s. Law Point for the Respondent No.1.*

CORAM : SANDEEP V. MARNE, J.

DATE : 4 SEPTEMBER 2024.

P.C. :

1) This Revision Application is filed challenging Order dated 18 November 2021 passed by the learned Judge of the Small Causes Court making Obstructionist Notice No. 42 of 2022 taken out by the Plaintiffs Decree Holder absolute and directing Applicants / Obstructionist to hand over possession of the suit premises to the Plaintiffs. The Order dated 18 November 2021 has been confirmed by the Appellate Bench of the Small Causes Court by dismissing

Execution Appeal No. 7 of 2022 by Judgment and Order dated 30 January 2024.

2) I have heard Mr. Thorat, the learned Senior Advocate appearing for the Revision Applicant. Mr. Basu, the learned counsel appearing for Respondent/Plaintiffs.

3) After having heard the learned counsel appearing for parties and after going through the concurrent findings recorded by the learned Judge of the Small Causes Court and its Appellate Bench, I am unable to hold that the Obstructionist are in position to establish any independent right or title in respect of the suit premises. Their mere possession of the suit premises for long time, would not confer upon them any right in view of fact that the Original Defendants themselves are not tenants in respect of the suit premises and the suit was not filed for recovery of possession under the provisions of Bombay Rent Act. In that view of the matter, no case is made out for interference in revisionary jurisdiction by this Court in the concurrent findings recorded by the learned Judge of the Small Causes Court and its Appellate Bench.

4) Civil Revision Application is accordingly rejected. However, Applicants are granted time for eight weeks to vacate the suit premises.

[SANDEEP V. MARNE, J.]