

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

CIVIL REVISION APPLICATION NO. 289 OF 2024

Surendra Bhaiyalal Ahir Gawli

and Ors.

} ...*Applicants*

: Versus :

Rajendra Ragaswami Mogre & Ors.

}....*Respondents*

Ms. Sarika Mehra *a/w. Mr. Sagar R. Chhabria, for the Applicants.*

Mr. M.K. Irani *and Mr. Abhishek Salian, for the Respondents.*

Coram : *Sandeep V. Marne, J.*

Dated: *15 July 2024.*

P.C. :

1) The challenge in the present Revision Application is to the judgment and order dated 31 January 2024 passed by the District Judge, Pune dismissing Regular Civil Appeal No. 693 of 2013 and confirming the judgment and decree dated 3 October 2013 passed by the 4th Additional Judge, Small Causes Court, Pune in Civil Suit No. 295 of 2007.

2) I have heard Ms. Mehra, learned counsel appearing for the Applicants and Mr. Irani, the learned counsel appearing for the Respondents.

3) After having heard the submissions canvassed by the learned counsel appearing for the parties, it is seen that the suit for eviction is decreed on the grounds of (i) permanent additions and alterations to the suit

property without written consent of the landlord, and (ii) the *bonafide* requirement of the landlord.

4) So far as the allegation of carrying out unauthorised additions and alterations to the suit premises is concerned, both the Courts have concurrently held that the Defendants have carried out the work of construction of a new wall within the suit premises. The defence raised by the Defendants about construction of such wall towards tenable repairs is rightly rejected by both the Courts below. Since the construction of the wall is admitted, I do not see any reason to interfere in the concurrent findings of fact recorded by both the Courts in so far as the ground of eviction under Section 16(1)(b) of the Maharashtra Rent Control Act, 1990 is concerned.

5) So far as the issue of *bonafide* requirement of the landlords is concerned, after assessing the evidence on record, the Trial Court has upheld the ground of *bonafide* requirement. The said finding of fact is unsuccessfully tested before the District Court which is again upheld the ground of *bonafide* requirement. In the light of concurrent finding of facts on the issue of *bonafide* requirement, I once again do not see any reason to interfere in the impugned orders.

6) What must also be observed is the fact that the Appellate Court had granted stay on execution of the Trial Court's decree dated 3 October 2013 subject to the condition of the Defendants depositing Rs.3,000/- per month by way of interim compensation. It is an admitted fact that the said amount has not been deposited by the Defendants during pendency of the Appeal. Thus, the Defendants have enjoyed the protection of possession of

the suit premises for the last 10 long years in violation of the order passed by the Appellate Court.

7) Considering the concurrent findings recorded by both the Courts, so also the conduct of the Applicants, I am not inclined to entertain the Revision Application. The Civil Revision Application is accordingly **dismissed.**

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Sandeep V. Marne, J.