

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

CIVIL REVISION APPLICATION NO.414 OF 2024

Laxmi Krishnaji Tandel

....Applicant

V/S

Pramod Narayan Bir Bahadu Rai

@ Pramod Bir Bahadur Rai

....Respondent

Mr. B.R. Mangale *for the Applicant.*

Mr. Pankaj Dwivedi *for Respondent.*

CORAM: SANDEEP V. MARNE, J.

DATE : 14 AUGUST 2024.

P.C.:

1 The challenge in the present Civil Revision Application is to the concurrent findings recorded by the Small Causes Court and its Appellate Bench for ordering eviction of the Applicant from the suit premises on the ground of arrears of rent and *bonafide* requirement.

2 I have heard Ms. Mangale, the learned counsel appearing for Applicant and Mr. Dwivedi, the learned counsel appearing for Respondent.

3 The main objection of Ms. Mangale to the impugned decree is declaration of the land in question as slum by Notification dated 9 March 2023. She would submit that since the land in question has been declared as slum, there is a bar for entertainment of suit under section 22 of the

Maharashtra Slum Area (Improvement, Clearance and Redevelopment) Act, 1971. However in the present case the suit has been filed on 21 October 2016 and the same has been decreed on 20 December 2021. Thus neither on the date of filing of the suit nor on the date on which decree is passed, the land in question was declared as slum land. Therefore, the alleged declaration of the land as slum on subsequently on 9 March 2023 cannot affect the decree passed in the suit on 20 December 2021.

4 So far as the ground of bonafide requirement is concerned, Ms. Mangale would submit that the finding of bonafide requirement is wrong in view of execution of conveyance deed dated 8 September 2023 by Plaintiff in favour of a Developer. She would submit that the ground of bonafide requirement therefore could not have been accepted by the Appellate Court since Plaintiff himself has executed conveyance deed in favour of a Developer. However Ms. Mangale is candid in admitting that the conveyance deed dated 8 September 2023 was not produced before the Appellate Bench by filing an application under Order 41 Rule 27 of the Code of the Civil Procedure, 1908. In that view of the matter conveyance deed cannot be sought to be produced directly before this Court while deciding the Civil Revision Application. Even otherwise the ground of default in payment of rent has also been accepted concurrently by Small Causes Court and the Appellate Bench. Therefore even if the ground of bonafide requirement is to be momentarily ignored, there is no answer to the position that the Applicant/Defendant was in arrears of rent for the period from 1 January 2008 till filing of the suit for which notice was dispatched on 6 May 2016. Even after making an appearance in the Court,

Applicant/Defendant failed to pay the arrears of rent under provisions of section 15(3) of the Maharashtra Rent Control Act.

5 After considering the overall conspectus of the case, I do not find any valid ground to interfere in the concurrent findings recorded by the Trial Court and Appellate Bench of the Small Causes Court. Civil Revision Application is accordingly **rejected**.

(SANDEEP V. MARNE, J.)

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