

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 10 OF 2024
IN
CIVIL REVISION APPLICATION NO. 311 OF 2021

ALONGWITH
REVIEW PETITION NO. 11 OF 2024
IN
CIVIL REVISION APPLICATION NO. 312 OF 2021

Ladwin Joseph Fernandes & Anr.

}**Petitioners/**
Applicants

: **Versus** :

Corsini Santos & Ors.

}....**Respondents**

Mr. Ram Upadhyay i/by. *Law Competere Consultus*, for the
Petitioners/Applicants.

Ms.Eventa A. Gonsalves and *Mr. Reyden L. Gonsalves*, for the Respondents.

CORAM : SANDEEP V. MARNE, J.

Dated : 1 October 2024.

P.C. :

1) The applications are filed seeking review of the order dated 12 August 2024. I have heard Mr. Upadhyay, the learned counsel appearing for the Review Petitioners. He would submit that there is error on the part of this Court in recording that previous R.A.E.& R. Suit No.308/955 of 1984 and R.A.E. & R. Suit No.956 of 1985 were filed on the ground of acquisition of suitable alternate residential accommodation. He would submit that the said two suits

were filed on the ground of bonafide requirement as well. Mr. Upadhyay, cannot be said to be entirely wrong in contending so. I have gone through the complaints filed in both R.A.E.& R. Suit No.308/955 of 1984 and R.A.E. & R.Suit No.956 of 1985 and it appears that the ground of bonafide requirement was also pleaded therein. It would be relevant to reproduce the pleadings in both the previously instituted suits relating to the ground of bonafide requirement as under :

“Plaintiff submits that he has grown up sons of marriageable age and requires the suit premises bonafide and reasonably.

Same pleading is reproduced in complaints filed in R.A.E.& R. Suit No.308/955 of 1984 and R.A.E. & R.Suit No.956 of 1985.

2) Though fresh suits bearing, RAE Suit No.786/2011 and RAE Suit No.787/2011 also contained the ground of bonafide requirement, the exact requirement pleaded in the complaints therein are entirely different. By the time the subsequent suits were filed, the children of Plaintiff No.1 had already married and his grandsons were studying. In para-6 of the complaint in R.A.E. Suit No. 787/2011, details of the exact bonafide need that existed in 2011 are pleaded.

3) Thus, bonafide need pleaded in both the sets of suits appears to be entirely different. Therefore, though there could be an error on the part of this Court in recording that the previous set of suits were filed on the ground of acquisition of suitable residential accommodation (*which error has crept in essentially on account of submissions made by Mr. Upadhyay during the course of hearing of applications on 12 August 2024*), since bonafide requirements pleaded in both the sets of suits are entirely different, in my view, there is no

ground for reviewing the orders dated 12 August 2024. The Review Petitions are accordingly **rejected**.

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[SANDEEP V. MARNE, J.]