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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 14810 OF 2024
IN
SECOND APPEAL (ST) NO. 13365 OF 2024

Shri Kshetra Shambhu (Shankar) Mahadev
Dev Shingnapur Public Trust through
Prabhakar Baburao Badve ... Applicant

vs.

Prabhakar Dattatray Badave ... Respondent

Mr. Shivraj Patne a/w. Mr. Bharat G. Thorat for Applicant.

CORAM : GAURI GODSE, J.

DATED : 27th NOVEMBER 2024

ORDER:

INTERIM APPLICATION NO. 14810 OF 2024.

1. This application is for condonation of 4 years and 77 days in filing the second appeal. Learned counsel for the applicant submits that the reasons for delay are explained in paragraph nos. 5 to 12 of the application.

2. Learned counsel for the applicant submits that the plaintiff's title over the suit property is not in dispute. He submits that the suit is dismissed on the ground that the plaintiff has not validly

terminated the tenancy of defendants. He submits that the first appellate court has held that the defendants failed to prove the validity of the lease deed relied upon by him. He submits that there is an exemption certificate issued in favour of plaintiff's trust under Section 88B of the Maharashtra Tenancy and Agricultural Lands Act, 1948 ('**Tenancy Act**').

3. He, thus, submits that the plaintiff terminated tenancy by issuing notice which was produced at Exhibit-34. He thus, submits that the second appeal would raise substantial questions of law on incorrect appreciation of the provisions of the Tenancy Act and not accepting a valid termination of the tenancy of the defendant. He further submits that the findings recorded by the first appellate court on the defendant's claim of protected tenancy would be beyond the jurisdiction of the civil court.

4. Issue notice to respondent returnable on 5th February 2025.

5. In addition to Court notice, learned advocate for the applicant to serve the respondent, by private notice and file affidavit of service, before the next date.

(GAURI GODSE, J.)