IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 110 OF 2019

WITH

CIVIL APPLICATION NO. 45 OF 2019

Sharad Yogendra Trivedi .....Applicant

: Versus :

Kahan Nagar Co-op. Hsg. Soc. Ltd. ....Respondent

Mr. Prashant G. Karande with Mr. Praful S. Pawar,for the Applicant.

CORAM : SANDEEP V. MARNE, J.

DATED : 19 DECEMBER 2025.

P.C :

1) The revisionary jurisdiction of this Court is invoked under Section 115 of the Civil Procedure Code for setting up a challenge to the judgment and decree dated 6 February 2018 passed by the City Civil Court dismissing S.C. Suit No. 7421 of 2003. The Suit was filed by the Applicant/Plaintiff under Section 6 of the Specific Relief Act, 1963.

2) I have heard Mr.Karande, the learned counsel appearing for the Applicant/Plaintiff. I have gone through the reasons recorded by the learned Trial Court in the impugned judgment and order. I have also perused the records of the case.

3) Plaintiff's pleaded case in the plaint is that his grandfather was inducted in the suit Room admeasuring 70 sq.ft. His grandfather was a sculptor and used to operate his studio in the part of the premises and used to reside in the other part. Plaintiff claims that he used to assist his grandfather in the suit Room. Plaintiff's grandfather passed away on 26 December 1996 and Plaintiff claims exclusive possession of the suit Room thereafter. Plaintiff filed a Suit complaining that he was wrongfully dispossessed from the suit Room as 16 March 2023.

4) In a summary enquiry to be conducted under Section 6 of the Specific Relief Act, proof of possession of the suit premises on the date of dispossession is *sine qua non*. Perusal of the findings recorded by the Trial Court would indicate that the Plaintiff was thoroughly unsuccessful in proving his possession of the suit Room as on 16 March 2003. Plaintiff himself did not step into the witness box. His mother was examined as a witness who herself did not claim any possessory rights in respect of the said Room. Plaintiff himself admitted in the plaint that he used to also reside with his parents at Matunga. There are several documents showing his residential address as Matunga. Plaintiff avoided to lead evidence on the ground that he travelled frequently. There is not a single document in close proximity of date of 16 March 2003 produced by the Plaintiff to prove his residence/occupation of the suit Room. Admittedly, at the time of alleged dispossession, Plaintiff was not present in the suit Room. He allegedly received a telephone call informing him about forcible dispossession.

5) The findings recorded by the Trial Court in support of conclusion of failure of the Plaintiff to prove possession as on 16 March 2003 are well supported by evidence on record. By no stretch of imagination, they can be treated as perverse findings. In that view of the matter, no case is made out for interference in exercise of revisionary jurisdiction of this Court. The Revision Application is accordingly **dismissed.**

6) With dismissal of the Revision Application, the Civil Application does not survive. The same also stands disposed of.

NEETA SHAILESH SAWANT
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[SANDEEP V. MARNE, J.]