

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.486 OF 2024

Lily Ambookan & Ors.

...Applicants

Versus

Stanny Jerom Corriea

...Respondent

Mr. Anand A. Pande i/b Ms. Pooja Pandey, for the Applicants.

Mr. Abhishek T. Ingale a/w C. M. Lokesh i/b Mr. Tejpal Ingale, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED: 23rd APRIL 2025

P.C.:

1. Heard Mr. Pande, learned Counsel appearing for the Applicants and Mr. Ingale, learned Counsel appearing for the Respondent.

2. By the present Civil Revision Application the challenge is to the legality and the validity of the Judgment and Decree dated 5th September 2022 passed by the learned Appellate Bench of the Small Causes Court, Mumbai in Appeal No.9 of 2015 as well as to the Judgment and Decree dated 22nd December 2014 passed by the learned Judge, Small Causes Court, Mumbai in R.A.E. & R. Suit No.02/03 of 2007.

3. The learned Trial Court as well as the learned Appellate Court have passed the decree on the ground of subletting. There are concurrent findings recorded by both the Courts. Both the Courts have found that the Original Defendant No.1 is a tenant of the suit premises

and the Defendant No.1 has sublet the suit premises to the Defendant No.2. Both the Courts have observed that the Defendant No.1 has not stepped into the witness box and evidence is led by the Defendant No.2. Both the Courts have also taken into consideration that even the electricity meter of the suit premises is also standing in the name of Defendant No.2 and that when the Bailiff went to serve the suit summons, Defendant No.1 did not found occupying the suit premises and wife of the Defendant No.2 informed the Bailiff that the Defendant No.1 was not staying at the address of the suit premises.

4. Thus, both the Courts have held that it is for the Defendant No.1 to explain how the Defendant No.2 is occupying the suit premises. The Defendant No.1 has not led any evidence. The evidence is led by the Defendant No.2

5. Thus, both the learned Courts have concurrently on the basis of evidence on record has recorded finding that the Defendant No.1 has sublet the suit premises to Defendant No.2. Nothing has been pointed out to show that the said reasoning is contrary to the evidence on record.

6. Thus, no case is made out for interference in the impugned Judgment and Decrees. Accordingly, the Civil Revision Application is dismissed, however, with no order as to costs.

7. Mr. Ingale, learned Counsel for the Respondent states that the monthly compensation is deposited by the Applicants before the learned Trial Court. The Respondent is at liberty to withdraw the said amount, with accrued interest, if any.

[MADHAV J. JAMDAR, J.]