

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.16577 OF 2024

Vidyadhar Vishnu Kanade	...Petitioner
<i>Versus</i>	
Vivek Vishnu Deo & Anr.	...Respondents

Mr. Kamlesh Prakash Mali, for the Petitioner.

CORAM: MADHAV J. JAMDAR, J.
DATED : 3rd MARCH 2025

P. C.:

1. Heard Mr. Mali, learned Counsel appearing for the Petitioner.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the Judgment and Order dated 18th October 2014 passed by the learned 3rd Additional Judge, Small Causes Court, Pune in Civil Suit No.368 of 2010 as well as to the Judgment and Decree dated 4th March 2020 passed by the learned Adhoc District Judge-5, Pune in Regular Civil Appeal No.3 of 2015 for recovery of possession of the suit premises under Section 26 of the Provincial Small Causes Courts Act, 1887 on the ground that the Respondent is gratuitous

licensee. Both the Courts concurrently held that the Plaintiff has proved that the present Petitioner i.e. Defendant is gratuitous licensee. The said finding is arrived *inter alia* on the ground that in the written statement Defendant had admitted the same.

3. The only contention which Mr. Mali, learned Counsel has raised is that the present Petitioner i.e. Defendant is also one of the co-owner. However, the Petitioner has not produced any evidence to substantiate the said contention.

4. In the present suit, in the written statement it is specifically accepted that the Petitioner is gratuitous licensee and on the basis of the evidence on record, decree has been passed. Therefore, no interference in the impugned Judgment and Decree is warranted under Article 227 of the Constitution of India.

5. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]

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