

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9174 OF 2025

Pravin Dnyaneshwar Pawar through ... Petitioner
POA DG. Pawar

V/s.

Anjali Rajendra Sumbe ... Respondent

Mr. Amey Deshpande with Vandana Bait, Gaurang Jhaveri and Vijay Agarwal, for the petitioner.

CORAM : N.J. JAMADAR, J.
DATE : 28th JULY 2025.

PC:

1. Heard the learned counsel for the petitioner.
2. The challenge in this petition is to a judgment and order passed by the learned District Judge, Pune in R.C.A No. 56 of 2019, whereby an appeal preferred by the petitioner/landlord against a decree passed by the Court of Small Causes at Pune in Civil Suit No. 347 of 2015, thereby dismissing the suit for eviction on the ground of default in payment of rent and non-user of the demised premises for the purpose for which it was let, came to be dismissed, affirming the decree passed by the Trial Court dated 21st September 2018.

3. Before the Appellate Court, the petitioner/plaintiff had given up the ground of default in payment of rent and pursued the suit for eviction on the ground of non-user of the demised premises for the purpose for which it was let continuously for a period of six months immediately preceding the date of the institution of the suit.

4. On the ground of non-user, both the Courts below have recorded concurrent findings of the facts that demised premises has been in a dilapidated condition. The photographs of the demised premises and the evidence of PW-2 who claimed to have inspected the premises to assess its condition, were pressed into service on behalf of the defendant /tenant. What tilted the scale in favour of the tenant was that the petitioner/plaintiff has instituted suits against the other tenants in the same building on the ground that, the said building has become dilapidated and dangerous and was required to be immediately demolished.

5. The evidence adduced by the defendant in respect of the dilapidated and dangerous condition of the demised premises went unimpeached. Even if the case of the plaintiff that the defendant has not used the demised premises for the purpose for which it was let for a continuous period of six months prior to institution of the suit is

taken at par in the circumstances of the case, the non-user cannot be said to be without a reasonable cause, as the premises posed grave risk to life and property.

6. In these circumstances, the Courts below have not committed any error in declining to pass a decree of eviction on the ground of non-user of the demised premises. Thus, in exercise of limited supervisory jurisdiction, no interference is warranted with such concurrent findings of fact.

7. The petition stands dismissed.

(N.J. JAMADAR, J)