

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15939 OF 2025

Balakrishna Laxman Khaire

...Petitioner

Versus

Ramesh Narayan Patil

...Respondent

Mr. Rahul M. Jade, Advocate for Petitioner.

Mr. Vijay Dhadam, Advocate for Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED : 16th December 2025

P.C.:

1. Heard Mr. Jade, learned Counsel for the Petitioner and Mr. Dhadam, learned Counsel for the Respondent.

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 Decree dated 21st October 2021 passed by the learned Appellate Bench of Small Causes Court, Mumbai in Appeal No. 450 of 2016 as also the Judgment and Decree dated 16th January 2016 passed in R.A.E. Suit No. 1412 of 2010 by the learned Judge, Small Causes Court, Mumbai.

3. At the outset, Mr. Dhadam, learned Counsel for the Respondent points out that the Judgment and Decree of the

learned Appellate Court is dated 21st October 2021 and the Writ Petition challenging the same has been filed on 25th November 2025 i.e. after about 4 years.

4. There is no explanation given for said inordinate delay of 4 years. It is also required to be noted that both the Courts have passed concurrent decree on the ground of default, additions and alterations of permanent nature and reasonable and bonafide requirement.

5. The learned Appellate Court has found that the family of the Respondent consists of his wife, 3 daughters and one son and available premises with them is one bedroom, hall and kitchen and therefore, recorded finding of fact that it is difficult to accommodate entire family of the Respondent in the available premises and therefore passed decree of eviction *inter alia* on the ground of bonafide requirement. Nothing has been pointed out for holding that the concurrent findings recorded by both the Courts are not in accordance with the evidence on record.

6. Thus, in the facts and circumstances, no interference in the impugned Judgments and Decrees is warranted.

7. The Writ Petition is dismissed, however, with no order as to costs.

8. At this stage, prayer is made to stay the eviction decree, however, in the facts and circumstances and as the Decree is passed *inter alia* on the ground of bonafide requirement, the suit is filed in the year 2010 and there is inordinate delay of 4 years in filing of the Writ Petition, no case is made out for grant of stay. The said prayer is rejected.

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

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Date: 2025.12.17
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