

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 327 OF 2025

Jagdish Kisan Girolla

...Applicant

Versus

Sha Sakalchand Multanji (Deleted)

1a. Rajmal Sakalchand Multanji and ors.

...Respondents

Mr. Rahul Kasbekar, for the Applicant.

CORAM: N. J. JAMADAR, J.

DATED: 3rd JULY, 2025

PC:-

1. Heard the learned Counsel for the applicant.
2. The challenge in this revision application is to a judgment and order dated 14th February, 2025 passed by the Appellate Bench of the Court of Small Causes, whereby the appeal preferred by the applicant against the judgment and decree passed by the Trial Court dismissing the suit for recovery of possession of the demised premises on the ground of unlawful subletting, non-user and *bona fide* requirement came to be dismissed.
3. The Trial Court and Appellate Court have appreciated the evidence on record in a correct perspective. There is not an iota of evidence to show unlawful subletting and non-user. On

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the aspect of the ground of *bona fide* requirement of the landlord, the courts below have considered the need of each of the members of the landlord's family, as asserted by the landlord and found that the requirement is neither reasonable nor *bona fide*.

4. Moreover, the Appellate Court has explicitly referred to the fact that one of the sons of the original landlord owns two residential premises and one commercial premises in the same locality in which the demised premises is situated and there was no reference to the same in the plaint. In this backdrop, the courts below have answered the issue of *bona fide* requirement and comparative heirship against the landlord.

5. No interference is warranted in exercise of revisional jurisdiction, with such concurrent findings.

6. Revision Application stands dismissed.

[N. J. JAMADAR, J.]