



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.328 OF 2025**

Rajnikant Mulchand Shah	...	Applicant
versus		
Jaisingh Sadashiv Desai	...	Respondent

Ms. Janvee Joshi with Mr. Haresh Lulia, Mr. Manoj Bhargam, for Applicant.
Mr. Shantanu Raktate with Mr. Anijkya Desai i/by Mr. Amar Parsekar, for Respondent.

CORAM: N.J.JAMADAR, J.

DATE : 2 JULY 2025

P.C.

1. Heard the learned Counsel for the parties.
2. This revision is directed against the judgment and order dated 2 May 2025 passed by the Appellate Bench of the Court of Small Causes at Mumbai in P-Appeal No.58 of 2023 whereby the appeal preferred by the Applicant – Defendant against the judgment and decree of eviction passed by the Trial Court came to be dismissed.
3. The Respondent instituted a suit, being L.E. &C No.13 of 2015 against the Applicant for recovery of possession of the suit premises asserting that the Applicant was a licensee and despite termination of the licence, the Applicant did not deliver the possession of the suit premises. By a judgment and order dated 29 September 2023, the learned Judge, Court of Small Causes, returned a finding that the Applicant was a licensee and upon

termination of the licence, the Respondent was entitled to possession of the suit premises. The contention of the Applicant that the Licence Agreement dated 27 May 2011 was nominal and had not been acted upon, was negated. The Appellate Bench found no infirmity in the judgment of the Trial Court. Being aggrieved, the Applicant has invoked the revisional jurisdiction.

4. Ms. Janvee Joshi, learned Counsel for the Applicant, made a strenuous effort to urge that the Applicant has instituted a suit for specific performance of the contract for sale of the suit premises before the City Civil Court to substantiate his claim that the licence agreement was a camouflage. The real transaction between the parties was that of sale of the subject premises by the Respondent to the Applicant. Till the said suit is decided, the possession of the Applicant deserves to be protected.

5. The aforesaid submission of Ms. Joshi simply does not merit acceptance. The Applicant himself had approached the Court of Small Causes and sought a declaration, in L.D.Suit No.110 of 2011, that he is the lawful licensee of the suit premises. During the course of the cross-examination also, the Applicant conceded in no uncertain terms that the said suit was instituted and the averments therein were correct. In the face of the categorical admission by pleadings, which stand on a higher pedestal than the judicial admissions, and, consequently, indubitable relationship between

the parties, the Courts below have not committed any infirmity in passing the decree of eviction.

6. No interference is warranted in exercise of limited revisional jurisdiction.
7. The Revision Application, thus, stands dismissed.

(N.J.JAMADAR, J.)