



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

Writ Petition No. 3187 of 2025

[M/s Gurunanak Trading Company, through its Proprietor Yatendra s/o
Puranlal Motwani ..vs.. Sureshchandra s/o Guljarilal
Jain (since deceased) through L.R. Mrs. Pooja Sandeep Jain]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. N. G. Moharir, Advocate for the petitioner

CORAM : ANIL L. PANSARE J.

DATED : 09-07-2025

Heard.

2. The petitioner – tenant is questioning the concurrent findings rendered by both the Courts below wherein the suit filed by the respondent – landlord is decreed on the ground that he was in *bona fide* need of the premises under question.

3. The *bona fide* need was spelt out in two compartments, one is that, his son-in-law was dependent on him for accommodation and wanted to start his own business of cloths and cloth commission agent independently. The another reason was that, the landlord, being old aged person and suffering from various ailments, was unable to climb to first floor of Handloom Market where he was running his business. Accordingly, he justified the need of the suit premises for shifting his business from Handloom Market.

4. Learned counsel for the petitioner submits that his basic challenge is to the second reason put forth by the landlord. According to him, the landlord has failed to justify this reason by cogent evidence.

5. Upon such argument, a query was made as to what is the petitioner's challenge to the other ground. Learned counsel for the petitioner submits that the landlord failed to place on record any evidence as regards son-in-law's income to commence the business.

6. To my mind, this argument is not available to the tenant in as much as the landlord's case was that his son-in-law is totally dependent on him for accommodation and wanted to start his own business. It is one thing to say that a person will require funds to start his own business and it is another to contend that he should start business with his own income. In a given case, the person may commence business by taking financial assistance from third party and, therefore, it will be irrelevant whether son-in-law had sufficient finance to commence the business.

7. Learned counsel for the petitioner then submits that in the appeal, he has brought on record that landlord had one more shop situated adjacent to suit premises.

8. This fact was brought on record by way of amendment to appeal memo. When enquired, learned counsel for the petitioner submits that no evidence was led in support of said plea. If that be so, merely because alleged fact was brought on record that there was alternative premises, the said fact will be a mere statement of the tenant without any evidence in support as to how the said premises will serve the landlord's need.

9. That being so and for the reasons stated above, I do not find any reason to interfere with the concurrent findings rendered by both the Courts below in supervisory jurisdiction

under Article 227 of the Constitution. The petition is accordingly dismissed with no order as to costs.

(Anil L. Pansare, J.)

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