



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

Writ Petition No.3967 of 2024

Bandu Vasantrya Bhatwadekar and another Vs. Vijay Martand Newaskar

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

Court's or Judge's orders.

Mr. A.S.Dhore, Advocate for petitioners.
Ms.Ira Khisti, Advocate for respondent.

CORAM : SIDDHESHWAR S. THOMBRE, J.

DATE : 13/10/2025.

1. Heard Mr. Dhore, learned counsel for the petitioners and Ms. Ira Khisti, learned counsel for the respondent.

2. The petition is directed against the order passed by 6th Joint Civil Judge, Junior Division, Yavatmal in Small Cause Suit No.08/2011 on 31st August, 2023 and the order passed by the Ad-hoc District Judge-1, Yavatmal in Regular Civil Appeal No.54/2023 .

3. The learned counsel for the petitioners, would submit that the proceedings, which were filed by the Landlord on the ground of bonafide requirement was not proved by the landlord and on that ground alone, both the Courts below have not given any finding. He further submits that the Court below though concurrently held that the petitioner's bonafide requirement is concerned, the issue is not dealt with properly and therefore, on that count, both the orders passed by the Courts below are liable to be set aside.

4. The learned counsel further contended that, as far as the order of the learned Trial Court is concerned, the issue as per Section 15(2) of the Maharashtra Rent Control Act, those findings cannot be reversed by the Appellate Court. He further contended

that there was no challenge in regard to those findings. Therefore, the Appellate Court committed an error ought not to have allowed the appeal and in fact, the learned Appellate Court ought to have remand the matter to the Court for consideration.

5. Per contra, learned counsel for respondent submits that both the Courts have considered the evidence and the landlord-respondent has proved that there was bonafide requirement. As far as arrears of rent is concerned, the learned counsel for respondent submits that the respondent is not claiming arrears and supported the orders passed by the Courts below.

6. I have gone through the documents placed on record as well as findings recorded by the learned Trial Court as well as Appellate Court and in view of the fact that the landlord has proved that there was bonafide requirement and in view thereof, I do not find any reason to interfere with both the orders passed by the Courts below under Article 227 of the Constitution of India.

7. In view of above discussion, writ petition is dismissed.

(Siddheshwar S. Thombre, J)