

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 144 OF 2026

Rajendra Ramabahal Dhobi (since
deceased) Savitridevi wd/o. Rajendra
Rambahal Dhobi & Ors.

..... APPLICANTS

: VERSUS :

Bhuridevi Chandmalji Lodha (since
deceased) and Ors.

....RESPONDENTS

Mr. D.R. Singh with Mr. S.H. Singh i/b. Mr. R.B. Singh, for the
Applicants.

CORAM : SANDEEP V. MARNE, J.

DATED : 9 MARCH 2026.

P.C. :

1) The revisionary jurisdiction of this Court is invoked under Section 115 of the Civil Procedure Code for assailing judgment and decree dated 25 September 2025 passed by the Appellate Bench of the Small Causes Court dismissing Appeal No. 59 of 2019 preferred by the Applicants and confirming the judgment and decree dated 17 March 2019 passed by the Trial Court in RAD Suit No. 1013 of 1995.

2) I have heard Mr. Singh, the learned counsel appearing for the Applicant and have considered the submissions canvassed by him. I have gone through the findings recorded by the Trial and the Appellate Court. I have also perused the records of the case filed alongwith the plaint.

3) The Suit was filed by the Plaintiffs seeking declaration of tenancy. The original tenant was the father of the two Plaintiffs, who were apparently running a laundry in the tenanted premises. The original tenant (father) passed away on 20 January 1972. Since tenancy was for business purposes, it became incumbent for the two Plaintiffs to prove by leading positive and credible evidence that at the time of death of tenant (father), they also carried on laundry business from the tenanted premises. However, it came in evidence that the age of one of the Plaintiff was only 16 to 17 years. It also came in evidence that the father passed away in Uttar Pradesh. P.W.1 admitted that two uncles were residing with father and that the uncles, Ramkaran and Shamkaran were running the business in the suit premises. It also came in evidence that the Shop and Establishment license in respect of the suit premises has always been in the name of the Uncles of Plaintiffs for over three decades. Plaintiffs also admitted that they themselves never conducted business from the suit premises. Categorical admissions have been given by both the Plaintiffs in their respective depositions, which clearly demolishes the case of transmission of tenancy under Section 5(11) of the Bombay Rents, Hotels and Lodging House Rates Control Act, 1947.

4) It would be apposite to reproduce the admissions made by them during the course of evidence which are culled out in para-15 of the judgment and order of the Appellate Court.

15. Plaintiff Rajendra Rambahal Dhobi (P.W.1), in his cross examination, categorically made the following admissions :

(i) His father, Rambahal, was the original tenant in the suit premises. His father died on 20.01.1972, at which time the plaintiff was 16 to 17 years old. His father died in Uttar Pradesh, their native. His two uncles, along with his brothers and sisters, were residing with his father. He categorically admitted that there was no understanding or agreement between the brothers and sisters regarding tenancy rights after the demise of their father. His uncles, viz. Ramkaran and Shyamkaran, are running the business in the suit premises. The Shops and Establishment license is in the name of his uncles for the past 30 years. He admitted that the plaintiffs were and are not carrying on any business in the suit premises. He very categorically admitted that since inception, Ramkaran and Shyamkaran were carrying on the laundry business. His uncles Ramkaran and Shyamkaran have been paying the electricity bills. He also admitted that Ramkaran, Shyamkaran, and their sons have been bearing the expenses of the laundry business for a long time. He categorically admitted that the suit premises measures only 100 sq. ft. and is used solely for business purposes and not for residential use.

(ii) Plaintiff Rajendra Rambahal Dhobi (PW.1) admitted that he used to visit the suit premises. It is admitted that he is presently running a business at Kandivali. Plaintiff No. 2 is working as a mechanic in a garage. He admitted that the suit was only filed because of the letter dated 03.07.1995 issued by deceased Defendant No. 1 calling upon them to furnish details of the legal heir of deceased tenant. He admitted that said letter was handed over to him by Ramkaran and Shyamkaran as it was addressed to the suit premises. He admitted that he filed the present suit on the basis of that letter. He further admitted that Ramkaran and Shyamkaran have tenancy rights in respect of the suit premises and are entitled to run the laundry business. He very categorically admitted that he is ready to give the tenancy rights to Ramkaran and Shyamkaran. He

admitted that Defendant No.1 was the original landlady, and thereafter, the other defendants became landlords.

5) In view of the above position, the Trial Court has rightly negated the case of the Plaintiffs of transmission of tenancy in respect of the suit premises. The evidence has been re-appreciated by the Appellate Bench of the Small Causes Court and concurrent findings of absence of tenancy rights is recorded. Both the Trial and the Appellate Bench have acted within the limits of their jurisdiction. No jurisdictional error is committed by the Trial and the Appellate Court for this Court to exercise revisionary jurisdiction under Section 115 of the CPC. The Revision Application is accordingly **rejected**.

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[SANDEEP V. MARNE, J.]