



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

SECOND APPEAL NO.240 OF 2024

Dilawar Khan Yusuf Khan and ors

Vs.

Mahendra Kumar Madanlal Agrawal (Deleted) and ors.

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. P. R. Agrawal, Advocate for appellants.

CORAM : ROHIT W. JOSHI, J.

DATE : 12.02.2026.

. Suit for possession filed by the present appellants, being Special Civil Suit No.204/2002, came to be dismissed vide judgment and decree dated 21.09.2010 passed by the learned Joint Civil Judge, Senior Division, Amravati. First Appeal arising out of the said decree, being Regular Civil Appeal No.194 of 2010, came to be dismissed by the learned District Judge-2, Amravati, vide judgment and decree dated 02.07.2019. These concurrent decrees are subject matter of challenge in the present second appeal.

2. The suit is filed contending that the plaintiffs were in occupation of the suit property as tenants of Dawoodi Bohra Sansthan. The case setup was one of oral tenancy. The appellants have failed to establish the case of oral tenancy. The particulars with respect to the alleged oral agreement with respect to the tenancy, such as the tentative period when the agreement was arrived at, the period during which appellants were in possession

as tenants, the agreed rent and more importantly payment thereof is not proved.

3. Plaintiff No.2 categorically admitted in witness box that he did not possess any documentary evidence to establish tenancy. Moreover, Dawoodi Bohra Sansthan, the alleged landlord, is not added as party. Plaintiffs witness No.2 stated that the plaintiffs were running business from open space situated opposite to the suit shop. Notice dated 03.09.2002 (Exhibit-5) issued by the Municipal Corporation corroborates the said admission by P.W. No.2. It is thus explicitly clear that the plaintiffs had come up with a false case regarding oral tenancy.

4. The learned Courts have concurrently disbelieved the case of oral tenancy set up by the appellants. Having perused the judgments of both the learned Courts below, as also the evidence and portions of depositions referred to by the learned advocate for the appellants, this Court sees no reason to take a different view of the matter. The findings recorded by both the learned Courts are pure findings of fact arrived at upon appreciation of evidence.

5. No substantial question of law arises for consideration. Second Appeal is, therefore, **dismissed** with no order as to costs.

(ROHIT W. JOSHI, J.)

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