



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

CIVIL REVISION APPLICATION NO. 2 OF 2026

RAMHARI KISANRAO GAWANDE

Vs.

AGRICULTURE PRODUCE MARKET COMMITTEE
THR. SHESHRAO RAMBHAU SAWADH

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. Deshpande, Advocate for the Applicant.

Mr. Amar R. Chavan Advocate for the Respondent/Caveator.

CORAM : ROHIT W. JOSHI, J.

DATE : 14th JANUARY, 2026.

1. The respondent- Agriculture Produce Market Committee (APMC) had filed a suit for eviction against the present petitioner being Regular Civil Suit No.89 of 2008. The said suit came to be decreed. The appeal preferred by the defendant is also dismissed.

2. These concurrent decrees of eviction are subject matter of challenge in the present civil revision application.

3. Mr. A. S. Deshpande, learned advocate for the revision petitioner/original defendant contends that the plaintiff- APMC is not owner of the suit property and consequently he did not have the right to file suit for eviction against the defendant. He contends that both the learned Courts have failed to properly

appreciate the legal position that a person who is not owner of the suit property cannot maintain suit for possession. He further contends that the plaintiff has miserably failed to prove its ownership over the suit property.

4. Per contra Mr. A. R. Chavhan, learned advocate for the respondent/plaintiff who is on caveat contends that landlord-tenant relationship is not disputed by the defendant. He points out that in the earlier litigation between the parties with respect to the same property the defendant has unequivocally admitted that he is tenant of the plaintiff. He draws attention to written statement filed by the defendant/revision petitioner in earlier civil suit i.e., Regular Civil Suit No. 234 of 1998, particularly paragraph no.10 thereof to contend that once the jural relationship of landlord-tenant is admitted, it is not open for a tenant to question the title of the landlord. Learned advocate therefore contends that the suit is rightly decreed and no case for interference is made out in the present revision.

5. Perusal of the judgments delivered by both the learned Courts will demonstrate the fact that jural relationship of landlord and tenant is admitted by the defendant is taken into consideration by the learned Courts. The learned Courts have also properly appreciated the mandate of Section 116 of the

Evidence Act and judgments of the Hon'ble Supreme Court in the case of *S. Thangappan v. P. Padmavathy, (1999) 7 SCC 474; Bhavarlal Labhchand Shah v. Kanaiyalal Nathalal, (1986) 1 SCC 571; and Badrinarayan v. Govindram, (2020) 15 SCC 287*, which lay down that a tenant cannot question the title of landlord. It is also well settled that in a dispute between landlord and tenant, issue of ownership is not a relevant consideration. The only consideration in such a suit is existence of relationship of landlord and tenant. A landlord, even if he is unable to prove ownership, is entitled to a decree for eviction against the tenant if landlord-tenant relationship is established and grounds for eviction are made out. Legal position in this regard is lucidly explained by the Hon'ble Supreme Court in the case of *Kankalata Das Vs. Naba Kumar Das, reported in (2018) 2 SCC 352*.

6. In view of the settled legal position, this Court finds that no jurisdictional error is committed by both the learned Courts.

7. The Civil Revision Application is, therefore, dismissed with no order as to costs.

(ROHIT W. JOSHI, J.)