



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

CIVIL REVISION APPLICATION NO. _____ OF 2026
initially filed as SECOND APPEAL NO.68 OF 2026

APPELLANT :- Wasima Ashpak Sayyad
(Ori. Defendant)
On R.A. Aged about – 40 years, Occup – Medical
Stores, R/o. – Shivaji Chowk, Bramhapuri,
Tah. Bramhapuri, Dist. Chandrapur.

..VERSUS..

RESPONDENT :- Sau. Mayabai W/o Ramuji Meher
(Ori. Plaintiff)
On R.A. Aged about 57 years, Occu. – Household,
R/o Shahu Nagar, Delanwadi, Bramhapuri,
Tah. Bramhapuri, Dist. Chandrapur.

Mrs. M.S. Thengre, Advocate for Appellant.
Mr. A.M. Chandekar, Advocate for respondent.

CORAM : **ROHIT W. JOSHI, J.**

DATE : **18/02/2026**

ORAL JUDGMENT :

1. The Second Appeal is filed challenging decree for eviction passed under the Maharashtra Rent Control Act, 1999 (hereinafter referred to as “MRC Act”). Since Second Appeal is prohibited in view of Section 34(3) of the MRC Act, the learned

Advocate for the appellant makes an oral motion to convert Second Appeal into a Civil Revision Application. The motion made by the learned Advocate is accepted. Second Appeal be registered as Civil Revision Application. The Civil Revision Application is taken up for hearing.

2. The learned Advocate for the applicant contends that the suit for eviction is filed on the grounds of arrears of rent, bonafide need and act of demolition of a wall in the suit property. The learned Advocate contends that the suit is not maintainable, since it is filed before a period of 90 days from the date on which the demand notice, as contemplated under Section 15(2) of the MRC Act, is served on the revision petitioner/tenant.

3. As regards the bonafide need, the contention of the learned Advocate is that the need is set up by the respondent/landlady was that her daughter, who is a doctor, and the suit property, which compromises a shop block was required to set up her clinic. The learned Advocate contends that the daughter is now married and residing at Gadchiroli.

4. With respect to demolition of wall, the contention of the learned Advocate is that this cannot be a ground for passing a decree for eviction under the provisions of the MRC Act.

5. It is not in dispute that the daughter of the landlady is an Ayurvedic doctor. The case set up that the suit property was required for setting up clinic for landlady daughter is therefore, a good ground for seeking eviction of tenant on the ground of bonafide need. Perusal of the judgment and depositions will demonstrate that the defendant/tenant sought to contend that the clinic could be set up in another property owned by the landlady. However, this contention is rejected by the learned Courts on the ground that the said property residential house of the landlady, whereas the suit property is a shop situated in the market area. The finding recorded by the learned Courts with respect to bonafide need is just and proper and does not warrant any interference.

6. As regards the contention that the daughter is now residing at her matrimonial house at Gadchiroli, this contention does not appear to have been raised before the learned Trial Court or even before the learned Appellate Court.

7. As regards comparative hardship, it must be stated that admittedly the tenant has not looked for alternate premises throughout the litigation. This Court has consistently taken a view that if a tenant is unable to establish that, despite looking for alternate premises the same could not be found issue of comparative

hardship will have to be answered against the tenant. Likewise, no contention is raised either before the learned trial Court, Appellate Court and even this Court with respect to partial eviction.

8. It is also not in dispute that the tenant has demolished a wall in the suit property, which is also a good ground for seeking eviction under Section 16(a) of the MRC Act read with Section 108(o) of the Transfer of Property Act, 1882.

9. In view of the aforesaid decree for eviction concurrently passed against the present appellant does not warrant any interference. Civil Revision Application is therefore **dismissed** with no order as to costs.

10. In view of the fact that Second Appeal is ordered to be registered as Civil Revision Application, amount of court fees refundable to the appellant be refunded in accordance with law.

(ROHIT W. JOSHI, J.)