

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 938 OF 2014**

Anilkumar Harjivandas Parekh ..Applicant

Vs

Smt Sushilaben Subodh Shah .. Respondents
and Ors.

Mr. Piyush Shah, Advocate for Applicant.

Mr. Vishal Kanade a/w Ms Priti Tare i/b Bilawal & Co, Advocate for Respondent no.10.

CORAM : R.G.KETKAR,J.

DATE : 15/06/2016

PC:

1. Heard Mr. Piyush Shah, learned counsel for the applicant and Mr. Vishal Kanade, learned counsel for respondent no.10. The Courts below have dismissed the suit instituted by the applicant for recovery of possession on the ground of unlawful subletting as contemplated by Section 13(1)(e) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (for short, 'Act'). The short question is whether defendant no.8 has established her possession in the suit premises prior to 1.2.1973. Both the Courts below have dismissed the suit by observing that defendant no.8 has proved her possession prior to 1.2.1973. Prima facie, the said finding is not borne out from public document on record. Prima facie, the Courts below have dismissed the suit relying upon the agreements which are not

registered instruments.

2. A fairly arguable questions are raised. Hence, Rule. Mr. Kanade waives service for the respondent no.10. Call for R. & P. Hearing is expedited.

(R.G.KETKAR, J.)