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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 386 OF 2025

Lata Arjun Bhagde and Ors.

.. Applicants

Versus

Nasrin Ikbal Memon

.. Respondent

-
- Mr. Vishal Kanade a/w. Ms. Tanaya Patankar, Advocates i/by Mr. Sanjay S. Gawde for Applicants.
-

CORAM : MILIND N. JADHAV, J.

DATE : SEPTEMBER 29, 2025.

P.C.:

- 1.** Heard Mr. Kanade, learned Advocate for Applicants.
- 2.** Present Civil Revision Application is filed on 12.06.2025 in this Court. It is within time as informed by Mr. Kanade. The impugned judgment dated 21.02.2025 is passed by the Appellate Court in Regular Civil Appeal No.679 of 2009. The said judgment upholds the judgment and decree dated 30.11.2019 passed in Civil Suit No.265 of 2003.
- 3.** Premise and ground as informed and argued by Mr. Kanade is on the ground of non-user of the premises by the tenants. Tenants are the Applicants before me. Mr. Kanade would submit that both the judgments deserve to be revisited since the learned Subordinate Courts have not considered the aspect of initial burden of proof being on the Plaintiffs - landlord and they not having proved the same.

4. The regular Court has passed order 'Nor before this Court' on 23.09.2023. Hence, it is mentioned urgently before me considering that Execution Application has been filed by original Plaintiffs bearing No.163 of 2025 for execution of the impugned judgment dated 21.02.2025.

5. Mr. Kanade informs the Court that Applicants are in occupation of the suit property being Block No.5, House No.259/261, 3rd Floor, Aayesha Manzil, Ganesh Peth, Pune admeasuring 504 square feet alongwith balcony admeasuring 24 square feet. Though Mr. Kanade has also briefed me on certain other issues, those can be heard at the time of admission of the present Civil Revision Application.

6. In view of the above, an arguable case has been made out by Mr. Kanade for issuance of notice, made returnable on 3rd November 2025.

7. Hence, issue notice to Respondent. Humdast permitted.

8. In addition to Court notice, Applicants are permitted to serve copy of Civil Revision Application and this order on Respondent and inform her about the next date of hearing by any permissible mode of service and file appropriate Affidavit of service with tangible proof thereof on or before the next date.

9. After receiving notice, Respondent is directed to take cognizance of this order and file her Affidavit-in-Reply on or before the next date, if so desired.

10. Respondent is directed to remain present in Court on the next adjourned date either by herself or through her Advocate.

11. In the meanwhile, there shall be ad-interim relief in terms of prayer clause 'c'.

12. Stand over to **3rd November 2025**.

[MILIND N. JADHAV, J.]

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