

ITEM NO.12

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 6826/2017

(Arising out of impugned final judgment and order dated 10-08-2015 in WP No. 7476/2015 passed by the High Court Of Judicature At Bombay)

VASUDEO DATTU HOLKAR

Petitioner(s)

VERSUS

DAMODHAR DHONDIBA ZAMBARE (DIED) THR

HIS LRS .SHRI GHANSHYAM DAMODHAR ZAMBARE & ORS.

Respondent(s)

(IA No. 125077/2023 - APPLICATION FOR SUBSTITUTION; IA No. 125078/2023 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN.; IA No. 125664/2023 - EXEMPTION FROM FILING O.T.; IA No. 2313/2021 - GRANT OF INTERIM RELIEF; IA No. 125080/2023 - SETTING ASIDE AN ABATEMENT)

Date : 06-11-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR

HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Gaurav Agrawal, Sr. Adv.
Mr. Abhay Anil Anturkar, Adv.
Mr. Dhruv Tank, Adv.
Mr. Aniruddha Awalgaonkar, Adv.
Mr. Bhagwant Deshpande, Adv.
Dr. R. R. Deshpande, AOR
Mr. Nakul Patwardhan, Adv.
Mr. Manan Daga, Adv.

For Respondent(s) Mr. Kavin Gulati, Sr. Adv.
Mr. Anish Agarwal, AOR
Mr. Pratik Kr. Chakma, Adv.
Mr. Kabang Tayeng, Adv.

Mr. T. Mahipal, AOR

UPON hearing the counsel the Court made the following
O R D E R

The petitioner seeks leave to challenge the judgment and order dated 10.08.2015 passed by the High Court of Judicature at Bombay

in Writ Petition No.7476 of 2015.

Heard learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

After hearing the learned counsel on both sides, we are of the considered view that the fate of this case depends upon the question whether the landlady or the successor of the landlady, in question, was under an obligation to send an intimation to the tenant under Section 31 of the Maharashtra Tenancy and Agricultural Lands Act, 1948 (for short 'the 1948 Act') to terminate tenancy. This issue is no longer *res integra*, in view of the decision of a three-Judges Bench of this Court in *Vasant Ganpat Padave (Dead) by Legal Representatives & Ors. Vs. Anant Mahadev Sawant (Dead) through Legal Representatives & Ors.*, reported in (2019) 19 SCC 577. On a reference, the three-Judge Bench answered the same that irrespective of the question whether the landlord is a minor or a widow or a person subject to any mental or physical disability, is having an irrecusable duty to send an intimation to the tenant, before the expiry of the period during which such landlord is entitled to terminate the tenancy under Section 31 of the 1948 Act.

In view of the law laid down by a three-Judge Bench in *Vasant Ganpat Padave Case(Supra)* that irrespective of the categories, the landlord is bound to send an intimation to the tenant to terminate the tenancy, before the expiry of period prescribed under Section 31 of the 1948 Act, the petitioner or the successor of the landlady cannot be heard to contend that he was not under an obligation to send an intimation and it is applicable only to a minor landlord.

In view of the decision in *Vasant Ganpat Padave Case(Supra)*, this Special Leave Petition is to fail and consequently, the same is dismissed.

Pending application(s), if any, shall stand disposed of.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)