



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL REVISION APPLICATION NO.276 OF 2022
WITH
INTERIM APPLICATION NO.14944 OF 2023
IN
CIVIL REVISION APPLICATION NO.276 OF 2022**

Santosh Anant Sabale
heir and legal representative
of Anant Krishna Shabele
Age 55 years, Occ. Business,
having business at Shop
in front side of Building,
Ground Floor, Building
No.195-2014 situated at V.P.Road,
Mumbai – 400 004.

....Applicant

V/S

Mathuradas Morarji
(since deceased)
1. Janak Mathuradas Morarji
1A. Chirag Janak Kapadia
Age about 38 years,
Occ. Business
1B Deep Janak Kapadia
Aged about 38 years old
Occ. Business,

Both residing at 2nd Floor
Manhar Building, 187,
Lohar Chawl, Mumbai 400 002.

2. Yogesh Mathuradas Morarji
Aged – 56 years, Occ. Business,
Owners of Building Nos.195-2014
Residing at Manhar Building
Lohar Chawl, Mumbai – 400 002.

3. Kalpesh Thakkar
Age ---, Occ. Business,
carrying business from shop

in front side of building,
Ground floor, Building
Nos.195-2024
situated at V.P.Road,
Mumbai – 400 004.

4. Other legal heirs family of
Anant Krishna Sable
carrying business from
Shop No.195-2014,
V.P.Road, Mumbai – 400 004.

...Respondents

Mr. Durgaprasad Sabnis with Mr. Durgesh D. Rege, Mr. Durgesh Kulkarni (through video conferencing), Mr. Anvay Homkalas, Ms. Poorva Lamba and Ms. Akshata Bhogle *for the Applicant*.

Mr. Shravan M. Vyas *for Respondent Nos.1A, 1B & 2.*

CORAM : SANDEEP V. MARNE, J.
RESERVED ON : 17 DECEMBER 2024.
PRONOUNCED ON: 20 DECEMBER 2024.

J U D G M E N T :

1) This Revision Application is filed challenging the judgment and decree dated 26 March 2022 passed by the Appellate Bench of Small Causes Court allowing Appeal No.133 of 2016 and setting aside the judgment and decree dated 25 November 2015 passed by Small Causes Court in R.A.E. & R. Suit No.808/1381 of 2001. The Small Causes Court had dismissed Plaintiffs suit seeking recovery of possession of the suit premises from the Defendants on the ground of unlawful subletting and default in payment of rent. The Appellate Court has decreed R.A.E. & R. Suit No.808/1381 of 2001 on the solitary ground of unlawful subletting and has directed Defendants to handover possession of the suit premises to the Plaintiffs in addition to an order of injunction permanently restraining the

Defendants from parting with possession of the suit premises and/or inducting any persons therein under any agreement or arrangement.

2) Facts of the case, as pleaded in the plaint are that Plaintiffs are owners of Building No.195–201, V.P. Road, Mumbai–400 004. Mr. Anant Krishna Sabale was inducted as a tenant in respect of shop situated on ground floor on front side of the Building No.195-201, V.P. Road, Mumbai – 400 004 (**suit premises**). That said Anant Krishna Sabale was carrying on business of hair cutting saloon in the suit premises. After the death of Late Anant Krishna Sabale, his son-Santosh Sabale (Defendant No.1) continued the business of his father and claimed tenancy rights in respect of the suit premises. That Defendant No.1 had sub-let the suit premises for operation of Shri Ganesh Dairy and the said occupant left the suit premises. That thereafter Defendant No.1 illegally sublet the suit premises to Defendant No.3-Kalpesh Thakkar, who started carrying on business in the name and style as 'Woods Fashion' on monthly rent of Rs.20,000/-. Plaintiffs apprehended that Defendant No.1 was about to create further rights in respect of the suit premises and accordingly instituted R.A.E. & R. Suit No.808/1381 of 2001 in the Small Causes Court at Mumbai. Plaintiff included Defendant No.1-tenant Shri Santosh Sabale as well as other legal heirs of late Anant Krishna Sabale as Defendant No.1. Plaintiff also impleaded Shri Kalpesh Thakkar as Defendant No.3 in the suit alleging that he was unlawful sublettee. Plaintiffs claimed that Defendant Nos.1 and 2 were in arrears of rent for the months of April 2000 to May 2001 at the rate of Rs.783/- per month amounting to Rs.10,929/- plus land abolition tax of Rs.1,050/- totaling Rs.11,979/-. Plaintiff accordingly sought eviction of Defendant Nos.1 and 2-tenants on the ground of unlawful subletting and default in payment of rent. Despite service of suit summons, Defendants failed to appear and accordingly the suit was decreed *ex-parte* directing Defendants to handover possession of

the suit premises to the Plaintiffs. Defendant No.1 filed Appeal before the Appellate Bench of the Small Causes Court for setting aside the *ex-parte* decree which was dismissed. Defendant No.1 filed Writ Petition No.78 of 2011 in this Court, which was allowed, and the *ex-parte* decree was set aside restoring the suit. Accordingly, Defendant No.1 was allowed to file Written Statement.

3) Defendant No.1 appeared in the suit and filed Written Statement claiming that Defendant No.3 was employed by Defendant No.1 as a temporary salesman-cum-delivery man for a period of seven months from May 2001 to November 2001 and that he left the services of Defendant No.1 on 30 November 2001. Defendant No.1 claims that he was carrying on the business of selling readymade garments in the suit premises under the name and style as 'Woods Fashion'. That the brand name Woods Fashion was subsequently changed to 'Body Shape NX' and accordingly Defendant No.1 continued carrying business of readymade garments in the suit premises under the name and style as 'Body Shape NX'. Defendant No.1 prayed for dismissal of the suit. Since Defendant No.2 was described as merely legal heir of late Anant Krishna Sabale, none appeared on behalf of Defendant No.2. Defendant No.3 continued his non-participation in the suit premises. Based on the pleadings, Small Causes Court framed issues. Parties led evidence in support of the respective claims. After considering the pleadings, documentary and oral evidence, Small Causes Court proceeded to dismiss Plaintiff's suit by answering the issues of default in payment of rent and unlawful subletting against the Plaintiff. Accordingly, by decree dated 25 November 2015, R.A.E. & R. Suit No.808/1381 of 2001 was dismissed.

4) Plaintiff filed Appeal No.133 of 2016 before Appellate Bench of Small Causes Court challenging the Small Causes Court's decree dated 25

November 2015. The Appellate Court has allowed the Appeal filed by the Plaintiff and has set aside Small Causes Court's decree dated 25 November 2015. The suit has been decreed on the ground of unlawful subletting directing the Defendants to handover possession of the suit premises to the Plaintiffs in addition to a permanent injunction from creating any third-party rights in the suit premises. Defendant No.1 has filed the present Revision Application challenging the decree passed by the Appellate Bench of Small Causes Court.

5) Mr. Sabnis, the learned counsel appearing for the Revision Applicant would submit that the Appellate Court has erred in reversing well considered decision of the Trial Court. That the ground of unlawful subletting has been erroneously upheld by the Appellate Bench without appreciating the position that Plaintiff failed to prove exclusive possession of the suit premises by Defendant No.3. He would submit that the frame of the suit itself was erroneous as Plaintiff was unaware about the exact status of the Defendant No.3. He would invite my attention to the report of the Court Commissioner in support of his contention that the Court Commissioner noticed presence of the Defendant No.1 in the suit premises and in fact did not find Defendant No.3 in the shop. That therefore there is no evidence on record to suggest that the Defendant No.3 exclusively possessed the suit premises or that Defendant No.1 had parted with the possession of the suit premises in favour of Defendant No.3. Mr. Sabnis would submit that the entire burden of proving exclusive possession by Defendant No.3 rested on the shoulders of Plaintiffs, which was not discharged by them.

6) Mr. Sabnis would further submit that sufficient evidence was produced on record by Defendant No.1 to prove his possession of the suit premises. He would invite my attention to the reply given by Municipal

Corporation to a query raised under Right to Information Act 2005 about Shop Act licence issued and renewed in respect of the business of Defendant No.1. That the said reply together with enclosures thereof shows renewal history of the business of Defendant No.1 from time to time. That plaintiff was silent about the exact date on which the alleged act of subletting was committed. That in absence of proper pleadings and more importantly evidence demonstrating an act on the part of the Plaintiff to completely part with possession of the suit premises or receipt of any rent/compensation, no case was made out for drawing inference of unlawful subletting. In support of his contentions, Mr. Sabnis would rely upon judgments of the Apex Court in *Celina Coelho Pereira vs. Ulhas Mahabaleshwar Kholkar and others*¹ and *Jagdish Prasad vs Smt. Angoori Devi*². Mr. Sabnis would pray for setting aside the decree passed by the Appellate Court and for dismissal of the suit.

7) The Revision Application is opposed by Mr. Vyas, the learned counsel appearing for Respondent/Plaintiff. He would submit that sufficient evidence was produced by the Plaintiff to demonstrate unlawful subletting of suit premises by Defendant No.1. That Defendant No.1 does not carry on any business in the suit premises and was not able to produce even basic documents such as invoices, income tax returns etc. That no document has been produced by Defendant No.1 in support of his contention that he carried out business in the name of 'Woods Fashion'. That the defence of the destruction of documents by his Advocate in the floods is proved to be false as the Advocate admitted that he was given only photocopies of the documents. That in the income tax return filed in the year 2005-2006, the income from business was indicated as 'Nil'. That there is an entry of receipt of Rs.72,000/- towards compensation in the

1 (2010) 1 SCC 217

2 (1984) 2 SCC 590

income tax return for Assessment Year 2005-2006 possibly suggesting the receipt of compensation through the act of subletting. That all documents are created by Defendant No.1 after receipt of suit summons and he has absolutely no document to show conduct of any business prior to the year 2004. That the Shop Act license relied upon by Defendant No.1 is misleading as the brand name 'Body Shape-NX', according to Defendant No.1, was created after year 2005 whereas Shop Act license is shown to have been issued under that brand name in the year 1999. Mr. Vyas would rely upon judgment of Apex Court in ***Prem Prakash vs. Santosh Kumar Jain & Sons and Ors.***³ in support of his contention that once Plaintiff proves giving up a possession by the tenant, the burden is on the tenant to disprove the act of subletting. That it is not necessary for the Plaintiff-landlord to prove payment of rent/compensation. Mr. Vyas would submit that ground of subletting has correctly been held to be proved by the Appellate Court, in which findings no interference is warranted in exercise of revisionary jurisdiction by this Court. He would pray for dismissal of the Revision Application.

8) Rival contentions of the parties now fall for my consideration.

9) Plaintiffs' suit has been decreed by the Appellate Court on solitary ground of default in payment of rent. Earlier, the suit was decreed *ex-parte* and after remand of the suit, Defendant No.1 filed written statement and led evidence, after which the Trial Court proceeded to dismiss the suit by rejecting the ground of unlawful subletting. The Trial Court relied upon Court Commissioner's report to hold that Defendant No.3-Kalpesh Thakkar was not even present in the suit premises at the time of Court Commissioner's visit thereby disproving the allegation of subletting in his favour. The Trial Court held that Plaintiffs did not adduce

3 (2018) 12 SCC 637

documentary evidence in the form of voters list, postal correspondence, postal acknowledgments or service of summons on Defendant No.3 at the suit premises and was therefore unable to discharge the burden of parting of possession of the suit premises in favour of Defendant No.3. The Trial Court therefore rejected the theory of subletting of the premises to Defendant No.3. The ground of default in payment of rent has been concurrently rejected by both the Courts. The Small Causes Court accordingly dismissed the suit by decree dated 25 November 2015. The Appellate Court has reversed the finding of the Trial Court on the issue of unlawful subletting and has held that the Plaintiffs proved presence of Defendant No.3 in the suit premises and drew adverse inference against Defendant No.1 for having not produced any documents relating to conduct of business by Defendant No.1 during 2001 to 2005. The Appellate Court held that Plaintiff discharged his burden by proving that Defendant No.3 was in possession of suit premises. The Appellate Court further held that Defendant No.1 did not produce any documents relating to conduct of very business, changing the business to ready-made garments in the name of 'Woods Fashion' and thereafter in the name of 'Body Shape-NX'. These are the broad findings on the basis of which, the Appellate Court has decreed the suit on the ground of unlawful subletting.

10) It appears that the Trial Court had appointed Mr. A. K. Kudtarkar, Advocate as a Court Commissioner for visiting the suit premises and to report about the factual condition. At that time, it appears that none of the Defendants had appeared in the suit. The order appointing Court Commissioner was passed on 11 July 2001 immediately after filing of the suit on 6 July 2001. The report of the Court Commissioner would indicate that he paid a visit to the suit premises on 13 July 2001 at 5 p.m. and noticed presence of Mr. Shailesh Jain. The Court Commissioner revisited the suit premises after one hour when

Defendant No.1 was present in the suit premises. The Court Commissioner's Report indicates that he was informed by Mr. Shailesh Jain that Defendant No.3-Kalpesh Thakker had gone out for marketing. The Court Commissioner's Report further indicates that the Defendant No.1 had informed him that he had inducted Defendant No.3 as a partner in the business. The Court Commissioner also noticed presence of 4/5 salesmen in the shop. However, it appears that Plaintiffs did not examine Court Commissioner before the Trial Court.

11) So far as service of suit summons is concerned, it appears that the Bailiff could not find Defendant No.3 at the suit premises and accordingly pasted the summons of Defendant No.3 at the suit premises. The Trial Court has relied heavily on the factor of non-service of suit summons on Defendant No.3 at the suit premises for rejecting the ground of unlawful subletting.

12) Defendant No.1 had raised the plea that Defendant No.3 was his employee during May 2001 to November 2001 on monthly salary of Rs.3,000/- which was paid in cash. He changed the version of monthly salary to daily wages during cross-examination. The fact that Defendant No.1 contended that the Defendant No.3 was his employee shows that presence of Defendant No.3 in the suit premises is not really disputed. The only dispute is about the capacity in which his presence is noticed in the suit premises. Defendant No.1 admitted that he did not have any documentary evidence to show that the Defendant No.3-Kalpesh was his employee. He also admitted that there was no documentary evidence to show that Defendant No.3 was paid monthly wages of Rs.3,000/-. Thus Defendant No.1 failed to prove employment of Defendant No.3.

13) Mr. Sabnis has submitted that the burden of proving the act of subletting rested on the shoulders of the Plaintiffs and has relied upon judgment of Apex Court in *Celina Coelho Pereira* (supra). In that judgment the Apex Court has summarized the principles deduced from various judgments in the past on the issue of unlawful subletting and has held in paragraph 25 as under:

25. The legal position that emerges from the aforesaid decisions can be summarised thus:

(i) In order to prove mischief of sub-letting as a ground for eviction under rent control laws, two ingredients have to be established, (one) parting with possession of tenancy or part of it by the tenant in favour of a third party with exclusive right of possession, and (two) that such parting with possession has been done without the consent of the landlord and in lieu of compensation or rent.

(ii) Inducting a partner or partners in the business or profession by a tenant by itself does not amount to sub-letting. However, if the purpose of such partnership is ostensible and a deed of partnership is drawn to conceal the real transaction of sub-letting, the court may tear the veil of partnership to find out the real nature of transaction entered into by the tenant.

(iii) The existence of deed of partnership between the tenant and alleged sub-tenant or ostensible transaction in any other form would not preclude the landlord from bringing on record material and circumstances, by adducing evidence or by means of cross-examination, making out a case of sub-letting or parting with possession in tenancy premises by the tenant in favour of a third person.

(iv) If the tenant is actively associated with the partnership business and retains the control over the tenancy premises with him, may be along with partners, the tenant may not be said to have parted with possession.

(v) Initial burden of proving sub-letting is on the landlord but once he is able to establish that a third party is in exclusive possession of the premises and that tenant has no legal possession of the tenanted premises, the onus shifts to the tenant to prove the nature of occupation of such third party and that he (tenant) continues to hold legal possession in tenancy premises.

(vi) In other words, initial burden lying on the landlord would stand discharged by adducing prima facie proof of the fact that a party other than the tenant was in exclusive possession of the premises. A presumption of sub-letting may then be raised and would amount to proof unless rebutted.

14) Thus, the law appears to be well settled that the initial burden rests on the landlord to prove that the party other than the tenant was in exclusive possession of the suit premises. That once the burden of proving

exclusive possession of third party is discharged, the onus shifts on the tenant to prove the nature of occupation of such third party.

15) In *Prem Prakash* (supra) the Apex Court has held that subletting comes into existence when tenant gives up possession of the tenanted accommodation wholly or in part and puts some other person in exclusive possession thereof. The Apex Court held in paragraph 18 as under:

18. Sub-tenancy or sub-letting comes into existence when the tenant gives up possession of the tenanted accommodation, wholly or in part, and puts another person in exclusive possession thereof. This arrangement comes about obviously under a mutual agreement or understanding between the tenant and the person to whom the possession is so delivered. In this process, the landlord is kept out of the scene. Rather, the scene is enacted behind the back of the landlord, concealing the overt acts and transferring possession clandestinely to a person who is an utter stranger to the landlord, in the sense that the landlord had not let out the premises to that person nor had he allowed or consented to his entering into possession of that person, instead of the tenant, which ultimately reveals to the landlord that the tenant to whom the property was let out has put some other person in possession of that property. In such a situation, it would be difficult for the landlord to prove, by direct evidence, the contract or agreement or understanding between the tenant and the sub-tenant. It would also be difficult for the landlord to prove, by direct evidence, that the person to whom the property had been sub-let had paid monetary consideration to the tenant. Payment of rent, undoubtedly, is an essential element of lease or sub-lease. It may be paid in cash or in kind or may have been paid or promised to be paid. It may have been paid in lump sum in advance covering the period for which the premises is let out or sub-let or it may have been paid or promised to be paid periodically. Since payment of rent or monetary consideration may have been made secretly, the law does not require such payment to be proved by affirmative evidence and the court is permitted to draw its own inference upon the facts of the case.

16) In the present case, Plaintiff approached the Small Causes Court with a specific allegation that there was unlawful subletting in favour of Defendant No.3. Defendant in turn did not dispute presence of Defendant No.3 in the suit premises, but raised a defence that Defendant No.3 was his employee. Once Defendant No.1 admitted presence of Defendant No.3 in the suit premises, but sought to give justification of his

status as employee, the burden shifted on the Defendant No.1 to prove employment of Defendant No.3. As observed above, no evidence is produced on record by Defendant No.1 to prove that Defendant No.3 was indeed his employee. Thus Defendant No.1 failed to discharge the burden which has shifted on him to justify presence of Defendant No.3 in the suit premises.

17) As held by the Apex Court in *Prem Prakash* (supra), subletting is often a clandestine act enacted behind the back of the landlord, concealing the overt-acts and transferring the possession clandestinely to a person who is an utter stranger to the landlord. Many times, it becomes very difficult for the landlord to prove the act of subletting as various kinds of defences such as employment, partnership etc. are raised to justify presence of outsider in the suit premises. It is therefore not appropriate in every case to expect Plaintiff-landlord to lead concrete evidence in support of allegation of subletting. In the present case, Defendant No.1 appears to have engaged several persons to carry out different businesses at different times in the suit premises. Plaintiff pleaded that the first subletting was in favour of a person operating Dairy. It is alleged in the plaint that the original business carried out in the suit premises by the Plaintiff's father was that of a hair-cutting saloon which was inherited by Defendant No.1, who continued carrying on the said business of hair-cutting saloon and thereafter sublet the premises to a Dairy Operator who carried on business in the name of Ganesh Dairy. Defendant No.1 did not refute the allegation of shifting of business from hair-cutting saloon to Dairy but contended that 3/4 months after his father's death on 19 December 1997, Defendant No.1 did not want to continue the business of hair-cutting saloon and accordingly he set up the business of selling milk under name and style as 'Shri Gajanan Dairy' in March 1998. Therefore, the allegation of Plaintiff of shifting of business from hair-cutting saloon to Gajanan Dairy was admitted by the Defendant

No.1, however he contended that he himself carried out the said dairy business. However, no evidence was produced about Defendant No.1 himself carrying out the dairy business in the suit premises. Even otherwise the defence of shifting of family business of hair-cutting saloon to dairy immediately after death of father needs to be taken with a pinch of salt.

18) Plaintiff further alleged in the plaint that Defendant No.1 thereafter sublet the premises to Defendant No.3, who started carrying on the business of readymade garments in the name and style of 'Woods Fashion'. This shift from dairy business to readymade garments is again not disputed by Defendant No.1, who once again took a stand that the said business of readymade garments was again conducted by Defendant No.1 himself in the name and style as 'Woods Fashion'. Again, these frequent shifting of businesses from haircutting saloon to dairy to readymade garments appear bit difficult to digest. Shifting of business to that of readymade garments is not disputed by Defendant No.1. Presence of Defendant No.3 is also not disputed by him in the suit premises at the time of filing of the suit. In my view therefore, this material is sufficient for shifting of burden on Defendant No.1 to justify that he alone was conducting business in the suit premises. However, to make the case of Defendant No.1 worse, it appears that there is one more shift in the year 2005 and this time, claim of mere change in the brand name to 'Body Shape-NX' is claimed.

19) If Defendant No.1 was indeed carrying on the above businesses of dairy and readymade garments, he would have produced atleast some invoices, delivery challans etc. to prove conduct of business in his name. However, he failed to produce even a single document to justify any business being conducted by him in the suit premises upto the year 2004. He produced income tax returns for Assessment Year 2005-2006 showing

'Nil' income from the business. This itself shows that Defendant No.1 was not carrying out any business in the suit premises as falsely contended by him.

20) The sheet-anchor of Defendant No.1 is the reply given by Municipal Corporation of Greater Mumbai on 26 December 2014 under the RTI query forwarding copy of computer ledger showing history of renewal of Shop Act License. In my view, it is too dangerous to rely upon the entries made in that ledger. This is because the name of establishment in the ledger is reflected as 'Body Shape NX' and the date of application is shown as 1 January 1999. If name of the establishment was indeed changed to Body Shape NX in the year 2005, it is impossible that the business was registered in the name of 'Body Shape-NX' on 1 January 1999. On the contrary, submissions of Mr. Vyas appear to be believable that the Shop Act License is procured after the issuance of suit summons for the purpose of defeating lawful claim of the Plaintiffs. This is clear from the fact that the first Shop Act License in the name of Defendant No.1/Body Shape NX is issued on 17 July 2004. Defendant No.1 has not been able to produce any Shop Act License in his name prior to the year 2004.

21) Defendant No.1 gave a categorical admission in his cross-examination that *"I had not obtained any such license prior to dated 07.12.2005 in respect of the business by name "Woods Fashion"."* Thus there is an admission on the part of Defendant No.1 that prior to the year 2005 no license was issued under Shop Act in his name at the suit premises. This clearly shows that Defendant No.1 was not carrying out any business in the suit premises by himself prior to the year 2005.

22) It otherwise appears unbelievable that a person conducting business would not be in a position to procure a single document to prove

actual conduct of business. This clearly appears to be a case of unlawful subletting by Defendant No.1 from time to time in favour of various third parties. In such circumstances, Plaintiffs cannot be blamed for their inability to identify the exact time when and entitles in whose favour, subletting was effected. The Appellate Court has rightly drawn adverse inference against Defendant No.1 for not having produced any documents relating to his business prior to the year 2005. The defence of loss of document in floods cannot be accepted in view of specific admission given that what was handed over to the Advocate were merely photocopies of the documents.

23) The conspectus of the above discussion is that Defendant No.1 admitted presence of Defendant No.3 in the suit premises. He is unable to prove conduct of any business by himself in the suit premises prior to the date of filing of the suit. Therefore, the Appellate Court has rightly drawn the inference of unlawful subletting in the facts and circumstances of the present case. I therefore do not find any valid reason to interfere in the findings recorded by the Appellate Court. Mere inability of the Plaintiffs to plead or prove every small detail about clandestine act of subletting by tenant cannot be a ground for denying decree of eviction. Reliance by Mr. Vyas on the judgment of the Apex Court in *Jagdish Prasad* (supra) is apposite as presence of Defendant No.3 in the suit premises coupled with inability to establish independent conduct of business by Defendant No.1 would necessarily result in drawl of inference of unlawful subletting.

24) I am of the view that no patent error is committed by the Appellate Court while decreeing the suit on the ground of unlawful subletting. Therefore, there is no warrant for interference by this Court in exercise of revisionary jurisdiction under Section 115 of the Code.

25) Civil Revision Application is devoid of merits, and it is accordingly **dismissed**.

26) Considering the facts and circumstances of the case, Revision Applicant/Defendant No.1 is granted time upto 28 February 2025 to vacate the possession of suit premises, subject to the condition of non-creation of any third-party rights therein.

27) In view of the disposal of the Civil Revision Application, Interim Application would not survive and the same is also **disposed of** accordingly.

(SANDEEP V. MARNE, J.)

Digitally signed
by
SUDARSHAN
RAJALINGAM
KATKAM
Date:
2024.12.21
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