



Non-Reportable

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO.72 OF 2012

**SANJAY MARUTI JADHAV
& ANR.**

...APPELLANT(S)

VERSUS

AMIT TATOBA SAWANT

...RESPONDENT(S)

J U D G M E N T

VIKRAM NATH, J.

1. In this case, orders were reserved on 18.01.2024, leaving it open for the parties to move an appropriate application within two weeks, in case any settlement is arrived at. More than three months have passed; however, no such application has been filed. We are thus proceeding to decide the matter on its merits.
2. The appellants are the owners of the property in question. Under the leave and licence agreement, the property in question was given to the respondent. However, the appellants are alleged to have illegally, unauthorizedly and by use of force, evicted the

respondent. Within six months of dispossession, the respondent filed a suit under Section 6 of the Specific Relief Act, 1963¹. The Trial Court decreed the suit after disbelieving the contentions raised by the appellants regarding voluntary handover of possession, relying upon a possession receipt. The appellant's plea regarding the suit being not maintainable under Section 6 of the Act was also rejected.

3. Aggrieved, the appellant preferred a revision before the High Court, which has since been dismissed by the impugned order. The High Court also found that the plea of maintainability of the suit raised by the appellant was without any merit and further concurred with the finding recorded by the Trial Court regarding the illegal dispossession of the respondent.
4. Such concurrent findings, based upon the evidence on record and also being findings of fact, we do not find any merit in this appeal. The appeal is accordingly dismissed.

¹ Act,1963

5. Pending application(s), if any, is/are disposed of.

.....**J.**
(VIKRAM NATH)

.....**J.**
(SATISH CHANDRA SHARMA)

NEW DELHI

APRIL 26, 2024