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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 886 OF 2014
WITH
INTERIM APPLICATION NO. 11601 OF 2025

Smt. Chandadevi Choudhary Applicant
V/s
M/s. State Trading Corporation Of India Ltd., Mumbai Respondent

WITH
CIVIL REVISION APPLICATION NO. 987 OF 2014
WITH
INTERIM APPLICATION NO. 11625 OF 2025

Vijay Shankar Bajoria (since Deceased)
through
1a. Mrs. Shashi Prabha Bajoria
1b. Mr. Abhishek Bajoria
1c. Mr. Abhiram Bajoria
1d. Mrs. Mala Patodia Applicants
V/s
M/s. State Trading Corporation Of India Ltd., Mumbai Respondent

WITH
CIVIL REVISION APPLICATION NO. 989 OF 2014
WITH
INTERIM APPLICATION NO. 187 OF 2021
WITH
INTERIM APPLICATION NO. 11597 OF 2025

Smt. Krishna Devi Harlalka (since Deceased)
Trough Mr. Ashish Haralalka Applicant
V/s
M/s. State Trading Corporation Of India Ltd., Mumbai Respondent

WITH
CIVIL REVISION APPLICATION NO. 1010 OF 2014
WITH
INTERIM APPLICATION NO. 11599 OF 2025

Ashish Haralalka Applicant

V/s
M/s. State Trading Corporation Of India Ltd., Mumbai Respondent

WITH
CIVIL REVISION APPLICATION NO. 984 OF 2014
WITH
INTERIM APPLICATION NO. 11621 OF 2025

1. Binod Kumar Shroff S/o Late Madanlal Shroff
2. Smt. Kusum Devi Shroff w/o Binod Kumar Shroff Applicants

V/s
M/s. State Trading Corporation Of India Ltd., Mumbai Respondent

WITH
CIVIL REVISION APPLICATION NO. 986 OF 2014
WITH
INTERIM APPLICATION NO. 11624 OF 2025

Smt. Lalita Devi Jajodia Applicant
V/s

M/s. State Trading Corporation Of India Ltd., Mumbai Respondent

WITH
CIVIL REVISION APPLICATION NO. 990 OF 2014
WITH
INTERIM APPLICATION NO. 11600 OF 2025

Smt. Shashi Prabha Bajoria Applicant
V/s

M/s. State Trading Corporation Of India Ltd., Mumbai Respondent

WITH
CIVIL REVISION APPLICATION NO. 988 OF 2014
WITH
INTERIM APPLICATION NO. 11622 OF 2025

M/s. Annapurna Properties, Kanpur Applicant
V/s

M/s. State Trading Corporation Of India Ltd., Mumbai Respondent

Mr. Nusrat Shah a/w Mr. Kevin Gala, Ms. Archana Jha, Ms. Sayali Ramugade i/b Ms. Samaa Shah for Applicants in CRA/989/2014 and CRA/1010/2014.

Ms. Shubhra Swami a/w Mr. Aryan Kotwal i/b Mr. Akshay Naik for Applicants in CRA/984/2014.

Mr. Ashish Venugopal, Mr. Aryan Kotwal i/b. Mr. Pramod Kathane for the Applicants in CRA/886/2014, CRA/986/2014.

Mr. D. G. Dhanure a/w Ms. Apurva Gudewar for Respondent-STC in all CRAs and for Applicants in IAs take out by STC.

Mrs. Sindhu Kotian a/w. Mr. Venkat Rao a/w. Mrs. Ashwini Waghre i/b. Mr. Akash Gaonkar for Applicants in CRA Nos.987, 990 & 988 of 2014.

CORAM : M.M. SATHAYE, J.

DATE : 13th JANUARY, 2026

P.C. :

1. Heard learned counsel for Applicants and learned counsel for Respondent-State Trading Corporation Of India Ltd. ('STC' for short).

2. Revision Applicant in CRA/886/2014 filed Mesne Profit Application No.5 of 2005 against the Respondent for recovery of the mesne profit in respect of office No. 609 admeasuring about 347 sq. ft. on sixth floor of Maker Chamber No. IV, Nariman Point, Mumbai 400 021. The said application was allowed directing the Respondent to pay mesne profits @ 12/- per sq. ft. per month from 01.01.2002 till actual delivery of possession alongwith interest. Revision Applicant filed Misc. Appeal No. 536 of 2009 before the Appellate Bench of Small Causes Court, which appeal was dismissed under impugned judgment and order dated 07.05.2014.

3. Revision Applicant in CRA/987/2014 filed Mesne Profit Application No.4 of 2005 against the Respondent for recovery of the mesne profit in respect of office No. 608 admeasuring about 1000 sq.

ft. on sixth floor of Maker Chamber No. IV, Nariman Point, Mumbai 400 021. The said application was allowed directing the Respondent to pay mesne profits @ 12/- per sq. ft. per month from 01.01.2002 till actual delivery of possession alongwith interest. Revision Applicant filed Misc. Appeal No. 537 of 2009 before the Appellate Bench of Small Causes Court, which appeal was dismissed under impugned judgment and order dated 07.05.2014.

4. Revision Applicant in CRA/989/2014 filed Mesne Profit Application No.9 of 2005 against the Respondent for recovery of the mesne profit in respect of office No. 605 admeasuring about 500 sq. ft. on sixth floor of Maker Chamber No. IV, Nariman Point, Mumbai 400 021. The said application was allowed directing the Respondent to pay mesne profits @ 12/- per sq. ft. per month from 01.01.2002 till actual delivery of possession alongwith interest. Revision Applicant filed Misc. Appeal No. 542 of 2009 before the Appellate Bench of Small Causes Court, which appeal was dismissed under impugned judgment and order dated 07.05.2014.

5. Revision Applicant in CRA/1010/2014 filed Mesne Profit Application No.3 of 2005 against the Respondent for recovery of the mesne profit in respect of office No. 606 admeasuring about 500 sq. ft. on sixth floor of Maker Chamber No. IV, Nariman Point, Mumbai 400 021. The said application was allowed directing the Respondent to pay mesne profits @ 12/- per sq. ft. per month from 01.01.2002 till actual delivery of possession alongwith interest. Revision Applicant filed Misc. Appeal No. 535 of 2009 before the Appellate Bench of Small Causes Court, which appeal was dismissed under

impugned judgment and order dated 07.05.2014.

6. Revision Applicant in CRA/986/2014 filed Mesne Profit Application No.2 of 2005 against the Respondent for recovery of the mesne profit in respect of office No. 611 admeasuring about 347 sq. ft. on sixth floor of Maker Chamber No. IV, Nariman Point, Mumbai 400 021. The said application was allowed directing the Respondent to pay mesne profits @ 12/- per sq. ft. per month from 01.01.2002 till actual delivery of possession alongwith interest. Revision Applicant filed Misc. Appeal No. 540 of 2009 before the Appellate Bench of Small Causes Court, which appeal was dismissed under impugned judgment and order dated 07.05.2014.

7. Revision Applicant in CRA/984/2014 filed Mesne Profit Application No.6 of 2005 against the Respondent for recovery of the mesne profit in respect of office No. 604 admeasuring about 500 sq. ft. on sixth floor of Maker Chamber No. IV, Nariman Point, Mumbai 400 021. The said application was allowed directing the Respondent to pay mesne profits @ 12/- per sq. ft. per month from 01.01.2002 till actual delivery of possession alongwith interest. Revision Applicant filed Misc. Appeal No. 541 of 2009 before the Appellate Bench of Small Causes Court, which appeal was dismissed under impugned judgment and order dated 07.05.2014.

8. Revision Applicant in CRA/990/2014 filed Mesne Profit Application No.8 of 2005 against the Respondent for recovery of the mesne profit in respect of office No. 602 admeasuring about 1000 sq. ft. on sixth floor of Maker Chamber No. IV, Nariman Point, Mumbai

400 021. The said application was allowed directing the Respondent to pay mesne profits @ 12/- per sq. ft. per month from 01.01.2002 till actual delivery of possession alongwith interest. Revision Applicant filed Misc. Appeal No. 538 of 2009 before the Appellate Bench of Small Causes Court, which appeal was dismissed under impugned judgment and order dated 07.05.2014.

9. Revision Applicant in CRA/988/2014 filed Mesne Profit Application No.7 of 2005 against the Respondent for recovery of the mesne profit in respect of office No. 603 admeasuring about 1000 sq. ft. on sixth floor of Maker Chamber No. IV, Nariman Point, Mumbai 400 021. The said application was allowed directing the Respondent to pay mesne profits @ 12/- per sq. ft. per month from 01.01.2002 till actual delivery of possession alongwith interest. Revision Applicant filed Misc. Appeal No. 539 of 2009 before the Appellate Bench of Small Causes Court, which appeal was dismissed under impugned judgment and order dated 07.05.2014.

10. The issue involved in this group of civil revision applications is already considered in detail and a judgment is rendered by this Court in **State Trading Corporation of India Ltd. Vs. Ravinder Singh Indersingh Sehgal (CRA/308/2011 decided on 28.11.2025)**. It is admitted position that the present Applicants are landlords/lessors who are identically placed vis-a-vis the Respondent STC, governed by the same Clause 15 of agreement between parties, which is already interpreted in the said judgment. It is also admitted position that suit premises involved in this group of matters are situated on the same 6th Floor, Maker Chamber No.IV., Nariman Point, Mumbai.

11. Learned counsel for the Applicants have relied upon the above judgment of **STC Vs. Ravinder Singh (supra)** and **STC Vs. Neelam Choudhary (CRA/111/2019 decided on 16.10.2024)** rendered by another Single Judge of this Court, claiming enhancement of mesne profits which is presently granted by the Trial Court @ Rs. 12/- per sq. ft. per month from 01.01.2002 till delivery of actual possession, which rate has been maintained by the Appeal Court.

12. Learned counsel for the Applicant in CRA/989/2014 and CRA/1010/2014 has relied upon judgment of the Hon'ble Supreme Court in the case of **Krapa Rangiah Vs. Special Deputy Collector, Land Acquisition [(1982) 2 SCC 374]** to contend that if higher rate is awarded by this Court in subsequent claim for adjoining land, the area being comparable and similarly situated, the rate must be same as that awarded in subsequent decision.

13. Mr. Dhanure, learned counsel for STC submitted that in view of Section 23 of the Specific Relief Act, 1963, the liquidation of damages is not a bar to specific performance and as such, the revision Applicants/landlords should have filed suit for specific performance of Clause 15 of the agreement between parties. He refers to the impugned judgment by the Appeal-Court making reference to Section 23 of said Act. He further submits that under **STC Vs. Neelam Choudhary (supra)** and **STC Vs. Ravinder Singh (supra)**, different rates are awarded by this Court, in as much as they are ranging between Rs.90/- to Rs.250/- per sq. ft. per month which amounts to violation of the Article 14 of the Constitution of India, since the premises are situated on the same floor.

14. The argument about Section 23 of Specific Relief Act is not only erroneous but misconceived, in as much as the Revision Applicants have filed applications for mesne profits. It is their contention that they must be awarded mesne profits as provided under Section 2(12) read with Order XX, Rule 12 of the Civil Procedure Code, 1908 ('CPC', for short). Mesne profits are defined under Section 2(12) of the CPC to mean those profits which the person in wrongful possession actually received, or might with ordinary diligence have been received therefrom with interest on such profits. It is absurd to expect parties like Revision Applicants to file suit for specific performance of Clause 15, which itself limits the grant of compensation of Rs.12/- per sq. ft. per month.

15. So far as interpretation of the Clause 15 is concerned, this Court in **STC Vs. Ravinder Singh (supra)** and another single Judge of this Court in **STC Vs. Neelam Choudhary (supra)** has already interpreted the said clause and concluded that the rate of Rs.12/- per sq. ft. per month stated therein cannot be taken as upper limit for claim of mesne profits, which is subject matter of present revision applications.

16. In that view of the matter, in my view, Section 23 of the said Act will have no bearing on the issue at hand. Admittedly, present proceedings are not arising out from suit for specific performance and they are arising out of inquiry for mesne profit. Therefore, the argument of STC based on Section 23 of Specific Relief Act is rejected.

17. So far as argument about different rates being awarded and violation of article 14 is concerned, it is rightly pointed out by the learned counsel for the Applicant in CRA/886/2014 & CRA/986/2014 that the rate of Rs. 90/- per sq.ft. per month in the case of **Ravinder Singh (Supra)** was retained by this Court because only STC had challenged the impugned order and Ravinder Singh did not file revision application. In this respect, it is material to note that another case between STC Vs. Godavaridevi, which was considered in the same judgment and since Godavaridevi had filed revision application, it was allowed granting parity in rates and Rs.150/- has been awarded.

18. In CRA 989/2014 and CRA/1010/2014, possession was handed over by STC to respective Applicant/s on 25.04.2011. In rest of the matters, possession was handed over by STC to respective Applicant/s on 01.03.2011. Therefore, the period for which mesne profits are awarded is from 01.01.2002 till 01.03.2011 or 25.4.2011. This Court in the judgment of **STC Vs. Ravinder Singh (supra)** has considered the period from 01.10.2003 to 31.10.2010 which is a little shorter period than the present group of petitions. In **STC Vs. Neelam Choudhary (supra)**, another learned Single Judge of this Court has granted Rs.150/- per sq. ft. per for a period between September 2003 to December 2007 and Rs.250/- per sq. ft. per from January 2008 till August 2012.

19. Considering that the period considered by this Court in **STC Vs. Ravinder Singh (supra)** is covering most part of the present duration under question, in my view, granting Rs.150/- per sq. ft. per month

and maintaining interest @6% p.a. in the present cases, would maintain judicial discipline as well as consistency with the view taken by this very same Court.

20. In that view of the matter, it is necessary to interfere in the impugned judgment to the extent of bringing the rate of mesne profits and interest at par with **STC Vs. Ravinder Singh (supra)** delivered by me.

21. The above revision applications therefore succeed to that extent. The impugned orders dated 07.05.2014 passed in Misc. Appeal No.537/2009, Misc. Appeal No.535/2009, Misc. Appeal No.536/2009, Misc. Appeal No.541/2009, Misc. Appeal No.540/2009, Misc. Appeal No.538/2009 & Misc. Appeal No.539/2009 and Misc. Appeal No.542/2009 by the Appellate Bench of the Small Causes Court, Mumbai are set aside. The said Misc. Appeals are allowed and the Revision Applicants are held entitled to mesne profits from Respondent-STC @ Rs.150/- per sq. ft. per month from 01.01.2002 till 01.03.2011 or 25.04.2011 as may be applicable, alongwith interest @ 6% from 01.01.2002 till 01.03.2011 or 25.04.2011 as may be applicable.

22. In view of disposal of revision applications, pending interim applications are also disposed of in above terms.

23. At this stage, learned counsel for STC prayed for stay of this order for a period of 6 weeks. Learned counsel appearing for all the Revision-Applicants strongly opposed it, submitting that if stay is to be granted at this stage, then STC must be directed to deposit the

amount in this Court. Mr. Dhanure fairly submitted that STC is not in a position to deposit the amount in the Court. In that view of the matter and considering the facts and circumstances involved in the present litigation and further considering that the decree of eviction has attained finality long ago, request for stay to this order is rejected.

24. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)