

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

**CIVIL REVISION APPLICATION NO.153 OF 2024  
WITH  
INTERIM APPLICATION NO.6540 OF 2024  
(FOR STAY AND DEPOSIT OF AMOUNT)  
IN  
CIVIL REVISION APPLICATION NO.153 OF 2024**

1. **Shri Ramesh Balkishan Bhura**  
Adult, age - 64 years, Occupation-  
Business at Flat No. 4, Sagar Sadan,  
Plot No. 30, K.A. Subramaniam Road,  
Near King's Circle, Matunga,  
Mumbai 400019.
  2. Smt. Kashidevi Balkishan Bhura  
(since deceased) through her legal Heirs)  
being 2(i) to 2 (viii)
  - 2(i) Shri Hargovind Balkishan Bhura  
(since deceased) through his legal Heirs)
  - 2(i)(a).Mrs. Kanta Hargovind Bhura  
(Wife) age-71 years Occu: Housewife
  - 2(1)(b). Mr. Rajeev Hargovind Bhura  
(Son) Age 49 yrs., Occu: Business
- Both Residing at:-  
27 A/3, Shree Vishnu Bhavan,  
K.A.S. Road, Matunga, Kings  
Circle, Mumbai- 400019.
- (ii) Shri Ramesh Balkishan Bhura,  
Age 61 years, Occupation: Business,  
Residing at Flat No: 4, Sagar Sadan,  
Plot No: 30, K.A. Subramaniam Road,  
Near King Circle, Matunga,  
Mumbai - 400 019

- (iii) Shri Bhagwan Balkishan Bhura  
Age 72 years, Occupation: Business,  
residing at, 8th Floor,  
Sudama Building, Plot No. 36,  
Road No. 5, Scheme No. 6  
Opp. Indian Gymkhana,  
King's Circle, Mumbai - 400 019
- (iv) Shri Narayan Balkishan Bhura  
Age 72 years, Occupation: Business  
residing at, 6th Floor,  
Sudama Building, Plot No. 36,  
Road No. 5, Scheme No. 8  
Opp. Indian Gymkhana,  
King's Circle, Mumbai- 400 019
- (v) Shri Radheshyam Balkishan Bhura  
Age 54 years, Occupation: Business,  
Residing at, 6th Floor,  
Sudama Building, Plot No. 36,  
Road No. 5, Scheme No. 8  
Opp. Indian Gymkhana,  
King's Circle, Mumbai - 400 019
- (vi) Smt. Kamla Rameshwar Rathi,  
Died Through Her Legal Heirs
- (vii) Smt. Sushila Kailash Gaggar,  
Adult, age Major, Occupation: Housewife,  
Residing at 0-2/18, Jai Vijay Shree  
Co-Operative Hsg. Soc. Ltd,  
Goregaon (West), Mumbai - 400 090
- (viii) Smt. Vimla Suresh Jaju,  
Adult, age - Major, Occupation- Housewife)  
residing at 67/2906,  
Gandhi Nagar, Bandra (East),  
Mumbai 400 051  
  
being heirs and legal representatives  
of late Smt. Kashidevi Balkishan Bhura,

tenant of Flat No. 4, Sagar Sadan,  
Plot No. 30, K. A. Subramaniam Road,  
King's Circle, Matunga, Mumbai – 19

3. Messrs Shree Narayan Paper &  
Boards Private Limited  
Through its Director Mr. Bhahwan Bhura  
Having its Registered Office at Flat No. 4,  
Sagar Sadan, Plot No. 30,  
K.A. Subramaniam Road,  
Near King's Circle, Matunga,  
Mumbai-400019.

**....Applicants  
(Orig. Defendants)**

**VERSUS**

1. **Satyanarayan Sagarmal Mody** huf  
Through its Karta & Manager  
Shri Suryakant Satyanarayan Mody  
Adult, age - 59 years,  
Occupation: Business  
residing at 203, Amrut Niwas,  
Sarojini Road, Santacruz (West),  
Mumbai - 400 054
2. Shri Chandrakant Satyanarayan Mody  
Adult, age - Major,  
Occupation: Business  
residing at Ground Floor,  
Amrut Niwas, Sarojini Road,  
Santacruz (West), Mumbai - 400 054
3. Shri. Shashikant Satyanarayan Mody  
Adult, age - Major,  
Occupation: Business  
residing at 202, Amrut Niwas,  
Sarojini Road, Santacruz (West),  
Mumbai - 400 054.

**....Respondents  
(Orig. Plaintiffs)**

**Mr. Rameshwar Totala** with Ms. Akshada Shah *for the Applicant.*  
**Mr. G.S. Godbole, Senior Advocate** with Mr. Akash Menon and  
Ms. Shreya Pednekar, *for Respondent Nos.1 and 2.*

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**CORAM : SANDEEP V. MARNE, J.**  
**RESERVED ON : 02 DECEMBER 2024.**  
**PRONOUNCED ON : 10 DECEMBER 2024.**

### **J U D G M E N T:**

1) Applicants have invoked revisionary jurisdiction of this Court under Section 115 of the Code of Civil Procedure, 1908 (**the Code**) for setting up a challenge to the judgment and decree dated 15 January 2024 passed by Appellate Bench of Small Causes Court dismissing Appeal No.336 of 2015 and confirming eviction decree dated 13 April 2015 passed by the Small Causes Court decreeing R.A.E. & R. Suit No.468/696 of 2009.

2) Facts of the case, as pleaded in the plaint, are that Plaintiff no.1 is karta and manager of Satyanarayan Sagarmal Mody HUF and Plaintiff Nos.2 and 3 are co-parceners and members of the said HUF. Plaintiffs claim to be the owners and landlords of the building known as 'Sagar Sadan' situated at Plot No.30, Dadar Matunga Estate, K.A. Subramaniam Road, Matunga, Mumbai. Defendant Nos.1 and 2 were inducted as joint tenants in respect of Flat No. 4 in the building Sagar Sadan at monthly rent of Rs.260/-, which are the **suit premises**. Defendant No.2 passed away on 10 June 2001 and Defendant Nos.2(i) to (viii) are the legal heirs of

Defendant No.2. Plaintiffs alleged that Defendant No.3-M/s. Shree Narayan Paper & Boards Private Limited (**Company**) was unauthorizedly occupying the suit premises on account of subletting by Defendant Nos.1 and 2. Plaintiffs further alleged that the suit premises were let out for residential purposes and that Defendant Nos. 1 and 2 unauthorizedly changed the user to that of commercial and transferred their rights in favour of Defendant No.3-Company, who was operating its registered office in the suit premises and carrying on business therein. It was further alleged that the Defendants made several additions and alterations of permanent nature in the suit premises without landlord's consent. Plaintiffs accordingly terminated the tenancy by their Advocate's letters dated 9 June 2007 and 1 September 2008. Defendant No.1 sent replies dated 27 June 2007 and 2 December 2008 denying the contents of the notices. In the above background, Plaintiffs instituted R.A.E. & R. Suit No.468/696 of 2009 against Defendants seeking recovery of possession of the suit premises on the grounds of commission of acts contrary to the provisions of clauses (m), (o) and (p) of section 108 of the Transfer of Property Act, 1882 (**TP Act**) as well as sections 15(1) and 16(1)(a),(b),(e) and (n) of the Maharashtra Rent Control Act, 1999 (**MRC Act**). All the Defendants filed joint Written Statement contesting the claim of Plaintiffs. Based on pleadings the Small Causes Court framed various issues relating to unlawful subletting, unauthorized additions and alterations, commission of acts contrary to provisions of Section 108 (m), (o) and (p) of the TP Act as well as non-user. Plaintiffs led evidence by examining Chandrakant Satyanarayan Mody, Plaintiff No.2. Plaintiffs also examined Mr. Ramkishan Kejriwala, Architect and Consulting Engineer as

PW2. They also examined Mr. Jayesh Tilak Patel, Photographer as PW3. Defendants examined Mr. Ramesh Balkishan Bhura as DW1, Bhagwan Balkishan Bhura as DW2. After considering the pleadings, documentary and oral evidence, the Small Causes Court proceeded to decree the suit by judgment and order dated 13 April 2015 by accepting the ground of unlawful subletting, commission of acts contrary to the provisions of section 108 (m), (o) and (p) of TP Act and non-user. The ground of erecting permanent structure without consent of the landlord was however rejected. Defendants were accordingly directed to hand over possession of the suit premises to Plaintiffs.

3) Defendants filed Appeal No.336 of 2015 before the Appellate Bench of Small Causes Court challenging the eviction decree dated 13 April 2015. The Appellate Bench of the Small Causes Court has however proceeded to dismiss the Appeal by judgment and order dated 15 January 2024, which is subject matter of challenge in the present Revision Application.

4) Mr. Totala, the learned counsel appearing for the Revision Applicants would submit that the impugned decrees passed by the Trial and Appellate Courts suffer from the vice of perversity and are liable to be set aside. He would submit that both the Courts failed to appreciate that the suit premises were let out for composite purposes of residence and business since inception. That Defendant No.3 is merely a corporate entity of Defendant Nos.1 and 2. That Defendant No.3 is not an independent or third-party entity and that the same is merely an enterprise of Defendant Nos.1 and 2 and its registered

office is shown at the address of the suit premises without conducting any actual business therein. That the Trial Court has recorded a finding that Defendant Nos.1 and 2 are also in possession of the suit premises, which completely demolishes the allegation of unlawful subletting. That there is neither any evidence about payment of rent nor about parting with possession of the suit premises in favour of Defendant No.3-Company. That there is nothing on record to indicate exclusive possession of Defendant No.3-Company. That therefore inference of unlawful subletting could not be drawn in the present case. He would submit that the Trial and the Appellate Courts have erred in drawing illogical inference of payment of rent in respect of suit premises by Defendant No.3 to Defendant Nos.1 and 2 on the basis of an entry in the balance sheet. That when Defendants attempted to produce rent receipts in respect of another premises, the Trial Court erroneously returned the same instead of exhibiting and reading the same in evidence. That the Trial Court has thus considered one-sided evidence by ignoring the vital evidence produced by the Defendants resulting in perversity in its findings. That the Appellate Court has erred in putting negative burden on the Defendants to prove conduct of business at different location.

5) Mr. Totala would rely upon reply given by the Defendants to the suit notice in which specific stand was taken that the suit premises were let out for mixed use. He would submit that Plaintiffs' witnesses also admitted letting out of premises for mixed use. That Defendant No.3-Company initially existed in the form of a proprietary concern, which subsequently got incorporated into Defendant No.3. That therefore Plaintiffs were always aware that the Defendant Nos.1

and 2 also used the suit premises for correspondence and registered address of their business. That act of the Plaintiffs in not objecting to such use by the Plaintiffs would clearly disentitle them from subsequently instituting the suit on the ground of change of user. Mr. Totala would submit that the Trial and the Appellate Courts have erred in accepting the ground under Section 108 (m), (o) and (p) of the TP Act despite holding that none of the acts of the Defendants caused any destruction or injury to the suit property. Relying on the rent receipt, he would submit that there was no specific condition barring use of the suit premises for commercial use. Mr. Totala would question the findings of the Trial and the Appellate Courts about Defendant Nos.1 and 2 are not residing in the suit premises or they residing elsewhere. He would submit that mere inclusion of their names in voters list cannot be a ground for drawing conclusion of a residence of a person at the place, where his name is reflected in the voters list. He would rely upon copy of the passport of the Defendant Nos.1 and 2 to demonstrate that the address of the suit premises from 2006 to 2016 is reflected in their passports. That therefore residence of Defendant Nos.1 and 2 in the suit premises is conclusively proved. Mr. Totala would therefore submit that there is complete lack of evidence for drawl of inference of change of user, unlawful subletting, non-user or commission of acts contrary to provisions of section 108 (m), (o) and (p) of the TP Act.

6) In support of his contentions Mr. Totala, would rely upon following judgments:

***i) Mousumi Saha Versus. The Union of India and others<sup>1</sup>***

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1 2014 SCC OnLine Cal 133

- ii) *Life Insurance Corporation of India Versus. National Insurance Company Limited and another*<sup>2</sup>**
- iii) *Rajesaheb Shahmidsaheb Nadaf-Pinjari Versus. Dattatraya Appa Rawal*<sup>3</sup>**
- iv) *Suresh Vasant Malegaonkar Versus. Ramabai Keshav Gokhale and others*<sup>4</sup>**
- v) *Atul Castings Ltd Versus. Bawa Gurvachan Singh*<sup>5</sup>**
- vi) *D. C. Oswal Versus. V. K. Subbiah and others*<sup>6</sup>**
- vii) *Gurdial Batra Versus. Raj Kumar Jain*<sup>7</sup>**
- viii) *Union of India and others Versus. H. N. Kirtania*<sup>8</sup>**
- ix) *Mohan Lal Versus. Jai Bhagwan*<sup>9</sup>**

7) The Revision Application is opposed by Mr. Godbole, the learned Senior Advocate appearing for the Respondents/ Plaintiffs. He would submit that Defendants admitted in the Written Statement that the suit premises were let out for residential purpose. That similar admission is also given by the Defendants' witnesses in his evidence. Since operation of registered office of Defendant No.3- Company is not disputed by the Defendants, the allegation of change of user is clearly established. That for proving the allegation of change of user, it is not necessary for Plaintiffs to also prove cause of any damage or injury to the suit premises under provisions of Section 108 (o) of the TP Act. He would submit that the Defendants' witnesses have clearly admitted their residences at Vishnu Bhavan and Sudama Building and thus their non-residence in the suit premises is conclusively proved. That Defendants' witness has also admitted the factum of receipt of rent in respect of suit premises from

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2 2023 SCC OnLine Bom 2170  
 3 (2000) 1 Bom.C.R. 81  
 4 (2002) 1 Mh.L.J. 506  
 5 (2001) 5 SCC 133  
 6 (1992) 1 SCC 370  
 7 (1989) 3 SCC 441  
 8 (1989) 3 SCC 445  
 9 (1988) 2 SCC 474

Defendant No.3-Company. That the suit premises have commercial electric meter at the instance of the Defendants. Mr. Godbole would therefore submit that all the grounds concurrently upheld by the Trial and the Appellate Courts are well supported by evidence on record. He would submit that both the Courts have appreciated the evidence on record and have taken a possible view and it is not for this Court to hold that alternate view is also possible on the basis of the evidence on record. He would accordingly pray for dismissal of the Revision Application.

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

9) There are concurrent findings by the Trial and the Appellate Courts on the issues of unlawful subletting, change of user and non-user. The ground of erecting permanent structure without consent of the landlord has been concurrently rejected by both the Courts. The Appellate Court has also rejected the allegation of cause of waste, damage or injury to the suit premises under provisions of Section 108 (o) of the TP Act.

10) So far as the grounds of change of user, unlawful subletting and non-user are concerned, the same appears to be interconnected. Both the Courts have concurrently held that the Defendant No.3-Company has actually occupied the suit premises and is operating its office therein. Possession by Defendant No.3-Company and its use for office has led to acceptance of grounds of (i) unlawful subletting by Defendant Nos.1 and 2 in favour of Defendant No.3-

Company, (ii) non-use of suit premises by Defendant Nos.1 and 2 tenants for a period of six months prior to filing of the suit and (iii) change of user of the suit premises from residential to commercial.

11) So far as the allegation of change of user is concerned, Plaintiffs came out with a specific case in paragraph 2 of the Plaint by pleading as follows:

2) The Plaintiffs say that the suit premises are residential premises in the residential building for the use of residence only and **the suit premises when let out to the Defendant Nos. 1 & 2 were only for residence purposes and not for any other use.**

*(emphasis added)*

12) Defendants responded to the above averment in paragraph 2 of the Plaint by stating in paragraph 9 of their written statement as under:

9) **With reference to contents of para 2 these Defendants confirm that the premises are residential premises in a residential building for the use of residence and the Defendants have not changed the user of the premises and are continuing to use it for residential purposes.** These Defendants deny that Defendants No. 1 and 2 have unauthorizedly changed the user from residential use to commercial use. These Defendants deny that they are not using the suit premises for their own residence, use and occupation but have transferred or assigned their rights to Defendant No.3 which is a private limited company. The Defendant No.3 has only the suit premises as the registered address and for correspondence purposes only and neither any goods or articles are stored in the premises or any day to day business of retail sale counter is carried out from the suit premises as falsely alleged.

*(emphasis added)*

13) Thus Defendants specifically admitted and confirmed that the suit premises are residential premises in a residential building and were let out for use as residence. They initially sought to deny commercial use in respect of the suit premises and asserted that the premises were being used for residential purposes only. However, in reply dated 27 July 2007 of Defendant No.1-Ramesh Bhura, he stated that the suit premises were let of for mixed purposes (into Hindi '*Mishrit Upayog*'). On the basis of this stand taken in the Reply dated 27 July 2007 by Defendant No.1-Ramesh Bhura, Mr. Totala has contended that the case of the Defendants, right since inception, is that suit premises are let out for mixed use. I am unable to agree. Defendant No.1 may have taken plea of mixed use in Reply dated 27 July 2007, but when it came to filing Written Statement in the suit, Defendants chose to give a specific admission therein that the suit premises were let out for residential purpose alone. The pleadings made by a party before a Court would have greater weightage over the contentions raised in prior correspondence. To make the case of Defendants worst, DW1 gave a specific admission during his cross-examination that '*It is true that my father had acquired the suit premises for residence purpose*'. Thus, though the Defendants subsequently attempted to take a position by filing Affidavit-of-Evidence that the suit premises were let out for use jointly for residence and office, the pleadings in the Written Statement coupled with specific admission given by DW1 leaves no manner of doubt that the suit premises were let out for residential purpose alone.

14) Defendants have not disputed the fact that the Defendant No.3-Company also uses the suit premises and that it has its

registered office in the suit premises. The contention of the Defendants however is that such registered office is indicated only correspondence purposes, and that Defendant No.3 does not actually conduct or transact any business from the suit premises. It is also contended that since Defendant Nos.1 and 2 continued to reside in the suit premises, the registered office address of their company is indicated as suit premises for receiving all the correspondence. However, DW1 gave specific admissions during the course of his cross-examination that he was residing at an altogether different building named 'Vishnu Bhavan' alongwith his family members. He further admitted that his brothers and children are residing in 'Sudama Building'. He admitted that one of his sons was residing on 6<sup>th</sup> floor and second son was residing on 5<sup>th</sup> floor of Sudama Building. That the 5<sup>th</sup> floor flat is in his name. That the 6<sup>th</sup> floor flat is in the name of his brother. Thus, DW1 gave specific admissions about Defendant Nos.1 and 2 residing at different premises situated in buildings 'Vishnu Bhavan' and 'Sudama Building'. Thus the claim of residence of Defendant Nos.1 and 2 in the suit premises is conclusively demolished by the admissions so given.

15) Defendant No.1 further admitted that the Defendants have procured commercial electricity meter in respect of the suit premises. If the suit premises were indeed being used for residence and the address of Defendant No.3-Company was reflected only for the purpose of convenience/correspondence, there was no reason for the Defendants to procure commercial electric meter in respect of the suit premises. Therefore, the whole defence of the Defendants that Defendant Nos.1 and 2 reside in the suit premises while Defendant

No.3 uses the said premises only for the purpose of address as its registered office and for correspondence got clearly disproved by evidence on record.

16) So far as the act of unlawful subletting is concerned, though Defendant Nos.1 and 2 may be directors/shareholders in Defendant No.3-Company, ultimately it is an altogether distinct legal entity. The tenancy is not created in the name of Defendant No.3-Company. Merely because the tenants are its directors/shareholders, the same would not mean that Defendant No.3-Company can use or occupy the suit premises for its business. If Defendant Nos.1 and 2 desired use of the suit premises by Defendant No.3-Company for its office, they ought to have sought transfer of tenancy in the name of Defendant No.3-Company from the landlord. Defendant Nos.1 and 2 cannot be permitted employ a clandestine method of transferring the tenancy rights in favour of an altogether different juristic person. It has also come on record that Defendant No.3-Company pays rent to Defendant Nos.1 and 2. The balance-sheet of the Defendant No.3-Company reflects payment of office rent of Rs.60,000/- during financial year 2005-06. Defendants' witness admitted in the cross-examination that the Defendant No.3-Company does not have any other office premises. Reliance by Mr. Totala on refusal on the part of the Trial Court to exhibit rent receipts in respect of Oshiwara premises therefore does not cut any ice in the light of specific admission by Defendants' witness about lack of any other office premises for Defendant No.3-Company. To make things further worse for Defendants, DW1 admitted in his cross-examination that he was receiving rent/compensation from Defendant No.3-Company. In my

view, therefore the act of subletting is also conclusively proved in the facts and circumstances of the present case.

17) I have also gone through the photographs of the suit premises which clearly indicate total conversion thereof into office by Defendant No.3-Company. None of the photographs indicate any items for residential use of the suit premises. The photographs indicate presence of work stations, computers, tables, chairs, desks etc. and it is impossible to believe, on perusal of those photographs, that the suit premises could be used by any person for his residence. The photographs clearly indicate use of the suit premises exclusively for office purposes.

18) In my view therefore, there is sufficient material on record to support concurrent findings recorded by the Trial and the Appellate Courts and the impugned eviction decree does not warrant any interference in exercise of revisionary jurisdiction of this Court under section 115 of the Code.

19) What remains now is to deal with various judgments cited by Mr. Totala:

- i) Judgment in ***Life Insurance Corporation of India*** (supra) deals with the issue of use of suit premises for transit accommodation not amounting change of user. In case before this Court, the suit premises were let out for residence of employees of LIC and it was found that for some period it was also being used as transit

accommodation for multiple employees. In those facts, this Court held that such use of transit accommodation for multiple employees did not constitute a change of user. In the present case, there is change of user from residential to commercial.

- ii) The judgment of this Court in ***Rajesaheb Shahmidsaheb Nadaf-Pinjari*** (supra) involved use of residential suit premises for additional purpose of tethering goats. This Court did not accept the allegation of change of user when the premises were found to be additionally used for tethering goats. In my view, the judgment has no application to the facts of the present case which involves change of user from residence to office of another legal entity.
- iii) The judgment in ***Suresh Vasant Malegaonkar*** (supra) involved in the issue of necessity to prove damage or destruction to the property on account of change of use. In my view, the act of change of use under Section 108 (o) of the TP Act is independent and distinct from the act of causing damage or destruction to the suit premises. Change in user alone can constitute a valid ground for passing a decree for eviction and it is not necessary that the landlord must prove cause of damage or injury to the suit property by act of change of user.

- iv) The judgment in ***Atul Castings Limited*** (supra) involved the issue of using one of the rooms in a big building by the Appellant therein for disposal of files and for study of family members and such use was not treated as change of user from residential to commercial. In the present case, there is wholesale change of user of the entire premises into office and no portion thereof is being used for residence as is clear from the photographs of the suit premises.
- v) The judgment of the Apex Court in ***D. C. Oswal*** (supra) is relied upon by Mr. Totala in support of his contention that if landlord does not object to change of user, he is estopped from seeking recovery of possession of the suit premises. In case before the Apex Court, the change of user was effected since 1973 whereas the suit for eviction was filed in 1980. In those circumstances, the Apex Court held that since landlord did not raise objection for change of use for seven years, he accepted the user to be other than residential. In the present case Defendant No.3 was incorporated as a Company on 29 March 2004 and the eviction notice was issued by Plaintiffs on 9 June 2007. It therefore cannot be stated that the Plaintiffs' accepted or acquiesced in change of user in any manner.
- vi) Judgment of the Apex Court in ***Gurdial Batra*** (supra) dealt with the issue of change in nature of business, which is not the fact situation in the present case. Here there is a

wholesome change of use from residential to commercial and therefore the judgment in *Gurdial Batra* (supra) would have no application.

**vii)** Judgment of the Apex Court in *Mohan Lal* (supra) dealt with the issue of cause of nuisance on account of change of user. The issue being entirely different, the judgment could have no application to the facts of the present case.

20) The conspectus of the above discussion is that no patent error can be traced in the concurrent findings recorded by the Trial and the Appellate Courts on the issues of change of user, unlawful subletting and non-user. The suit premises, which are let out for residential use, are being used exclusively for commercial purposes by Defendant No.3-Company for operating its office. Defendant No.3-Company, who is not the tenant, is ultimately found to be using the suit premises. Defendant Nos.1 and 2 are found to be residing in different premises and accordingly the ground of non-user is also conclusively proved. In my view therefore, the Small Causes Court rightly decreed the suit and the Appellate Bench of the Small Causes Court has not committed any error in dismissing the Defendants' Appeal. I therefore do not find any valid reason to interfere in the concurrent findings recorded by the Trial and the Appellate Courts in exercise of revisionary jurisdiction under Section 115 of the Code.

21) The Civil Revision Application is devoid of merits, and it is accordingly **dismissed**. Defendants are granted time upto 31 January 2025 to vacate the suit premises, subject to the condition of

not creating any third party rights therein. The amount of interim compensation deposited in this Court alongwith accrued interest is permitted to be withdrawn by Respondent Nos.1 and 2.

22) In view of disposal of the Civil Revision Application, Interim Application No. 6540 of 2024 does not survive and the same also accordingly stands **disposed of**.

**(SANDEEP V. MARNE, J.)**

Digitally signed  
by  
SUDARSHAN  
RAJALINGAM  
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