

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

**CIVIL REVISION APPLICATION NO.271 OF 2024
WITH
INTERIM APPLICATION NO.8077 OF 2024
IN
CIVIL REVISION APPLICATION NO.271 OF 2024**

Chetan Anant Bhoir
V/S

....Applicant

Sahebrao Shivappa Bidri & Ors.

....Respondents

Mr. Dileep Satale *for the Applicant.*

Ms. Minakshi V. Surve *for Respondents.*

**CORAM: SANDEEP V. MARNE, J.
DATE : 24 JUNE 2024.**

P.C.:

1 This Civil Revision Application is filed challenging the concurrent decrees of the Small Causes Court dated 4 February 2020 and of its Appellate Bench dated 2 April 2024 passed in RAE Suit No.751 of 2015. By the impugned decree dated 4 February 2020 Plaintiff's suit has been decreed and Applicant/Defendant is directed to vacate the suit premises in addition to conduct of enquiry into mesne-profits. The Appeal preferred by the Applicant/Defendant before the Appellate Bench has been dismissed by judgment and order dated 2 April 2024.

2 I have heard Mr. Satale, the learned counsel appearing for the Applicant and Ms. Surve, the learned counsel appearing for the Respondent/landlord.

3 After having heard the submissions canvassed by the learned counsel appearing for parties and after going through judgments of the Small Causes Court and Appellate Bench, it is seen that one of the grounds for seeking recovery of possession in the suit filed by the landlord was non-payment of rent by the Applicant/Tenant. It appears that a notice was served by the Plaintiff/landlord on the Defendant demanding arrears of rent since August 2011. The rent demanded together with permitted increases was Rs.300/- in the demand notice. Since the notice was not met with, suit was filed on 17 April 2015. The Defendant had an opportunity to get the suit dismissed by depositing the arrears of rent, interest and costs within 90 days of receipt of suit summons. However, it appears that the Defendant offered to pay an amount of Rs.10,096/- to the Plaintiff by way of cheque dated 17 June 2015. The said amount of Rs.10,096/- (without any bifurcation) was for payment of rent at the rate of Rs.200/- per month and not at the rate of Rs.300/- per month as demanded by the landlord. Furthermore though the arrears were from August 2011, Defendant did not deposit arrears of rent alongwith 15% interest as well as costs of the suit. Thus the requirement of sub-section 3 of section 15 the Maharashtra Rent Control Act, 1999 (**MRC Act**) are admittedly not met with in the present case. In my view therefore, Plaintiff's suit for recovery of possession on the ground of arrears of rent has rightly been decreed. There are concurrent findings against the Applicant in which no interference is warranted in revisionary jurisdiction by this Court under section 115 of the Code of Civil Procedure, 1908. Civil Revision Application being devoid of merits is dismissed without any orders as to costs.

4 In view of the disposal of the Civil Revision Application, nothing would survive in the Interim Application and the same is accordingly disposed of.

(SANDEEP V. MARNE, J.)

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