

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 23 OF 2025**

IN

WRIT PETITION NO. 6858 OF 1998

Shantaram M. Bhat, Deceased
through Legal Heirs and Representatives
1. Smt. Sulochana S. Bhat, deleted
since deceased, through LHRS.

....Petitioners

: Versus :

Shri. Ashok Mohanshankar Vernekar,
since deceased through LHRS
Jyotsna Ashok Vernekar and anr.

....Respondents

Mr. Nitin Thakkar, Senior Advocate with Mr. P.G. Lad with Ms. Parna Kalathil, for the Petitioners.

Mr. Rahul Mestry with Ms. Akshada Jagdale, for the Respondents.

CORAM : SANDEEP V. MARNE, J.

Dated : 7 March 2025.

P.C. :

1) By this petition, Petitioners seek review of the judgment and order dated 5 December 2024. I have heard Mr. Thakkar, the learned Senior Advocate appearing for the Review Petitioners and Mr. Mestry, the learned counsel appearing for the Respondents-Original Petitioners.

2) The review of the judgment and order dated 5 December 2024 is sought essentially on the ground that this Court could not have awarded interest at the rate of 8% p.a. on the amount of

difference of rent. It is urged that there was no prayer in the petition for payment of interest and that the Review Petitioners followed the orders of the Court by offering the reduced amount of rent as per the order passed by the Appellate Bench of the Small Causes Court.

3) This Court has already observed that in the judgment under review that the Review Petitioner is occupying substantial portion of land admeasuring 27,000 sq.ft in Chembur area of Mumbai City where they are operating a Cinema Theater on a paltry rent of Rs.2,000/- which was sought to be reduced to Rs.1,000/- by the Appellate Bench of the Small Causes Court. The erroneous order passed by the Appellate Bench has resulted in receipt of reduced amount of rent during substantial period of more than 25 years. The rent, however minuscule it may be, ultimately represents some form of return to the landlord on investment made by him in land and building. Therefore, if there is any delay in payment of rent, the same must be visited with some interest. This Court has not awarded interest at the rate of 15% p.a. which is statutorily payable in the event of default committed under the provisions of Section 15 of the Maharashtra Rent Control Act, 1999. This Court has awarded reasonable simple interest at the rate of 8% p.a. on differential amount of Rs.1,000/- per month which the landlord could not secure on account of erroneous order passed by the Appellate Bench of the Small Causes Court. I therefore do not see any error apparent on the face of the record in direction for payment of simple interest at the rate of 8% p.a. on the differential amount of rent. The Review Petition is accordingly **rejected**.

PRIYA
RAJESH
SOPARKAR
Digitally
signed by
PRIYA
RAJESH
SOPARKAR
Date:
2025.03.07
16:32:25
+0530

[SANDEEP V. MARNE, J.]