

Santosh

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

CIVIL REVISION APPLICATION NO. 317 OF 2025

Roland Paul Gomes & Ors

..Applicants

Versus

Niranjan Panda

...Respondent

Mr. V. E. Pereira, for the Applicants.

CORAM: N. J. JAMADAR, J.

DATED : 10th JULY 2025

P.C.:

1. Heard the learned Counsel for the applicant.
2. The challenge in this application is to a judgment and order passed by the Appellate Bench of Court of Small Causes in Appeal No.102 of 2022 in RAE Suit No.632/972 of 2014, whereby the Appellate Bench was persuaded to allow the appeal and set aside the judgment and decree dated 10th March, 2022 passed by the trial Judge on the ground of tenancy by carrying out alteration in the demised premises of a permanent nature.
3. The learned Counsel for the applicant submitted that the Appellate Court erred in reversing the finding of the Trial Court as there was a categorical admission that room Nos.5 and 6

were used to run a hotel and the wall was demolished by the appellants – tenants.

4. The Appellate Bench has examined the issue of alteration of a permanent nature by applying the test of nature of alteration, the degree of annexation, the purpose for which the alteration has been carried out, and came to the conclusion that the alteration is not of such nature that the position cannot be restored, and the alteration was for the purpose of beneficial use of the premises.

5. The view taken by the Appellate Bench is in consonance with law. No interference is, thus, warranted in exercise of revisional jurisdiction.

6. The application stands dismissed.

[N. J. JAMADAR, J.]