

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

CIVIL REVISION APPLICATION NO. 412 OF 2025

Shantilal Nangi Cheda

...Applicant

Versus

Ramkali wd/o Sitaram Kushwaha
(deceased) through LR's.

...Respondents

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KULKARNI

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Ms. Shruti Tulpule, for the Applicant.

Mr. Rajesh Datar, a/w Akshay Kandarkar, i/b Druti Datar, for
Respondent Nos.1(a), 1(c) to 1(g).

CORAM: N. J. JAMADAR, J.

DATED: 8th AUGUST, 2025

Oral Order:-

1. Heard the learned Counsel for the parties.
2. This revision application is directed against a judgment and decree passed by the Appellate Bench of the Court of Small Causes in Appeal No.256 of 2014 dated 25th June, 2025, whereby the appeal preferred by the applicant against the decree of eviction passed in RAE & R Suit No678/1477 of 1994 came to be dismissed by affirming the said decree, and also the cross-objection preferred by the respondent came to be allowed.
3. Ms. Tulpule, the learned Counsel for the applicant, submitted that, the Trial Court and Appellate Court have proceeded on an incorrect premise that, the notification issued

under Section 4 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act, 1971 ("the Slum Act, 1971"), which was affirmed by a learned Single Judge of this Court in Writ Petition No.6890 of 2002 by an order dated 1st July, 2003, declaring the suit premises as a slum, was set aside by the order passed by this Court in Writ Petition (L) No.2129 of 2003 dated 16th February, 2004; which was affirmed in Appeal No.324 of 2004 by a judgment and order dated 14th February, 2011.

4. In fact, what was set aside by this Court in the said petition and appeal was the notification of acquisition of the suit property issued under Section 14 of the Slum Act, 1971, and not the slum declaration.

5. It was further submitted that, though the suit was instituted before the notification under Section 4 was issued on 16th August, 1995, yet, in view of the provisions contained in Section 22(1)(b) of the Slum Act, 1971, it is incumbent upon the decree-holder to obtain the permission of the Competent Authority before the decree of eviction in respect of the property declared as a slum is executed.

6. Attention of the Court was invited to an order passed by this Court in Civil Revision Application No.238 of 2019 and connected matters, arising out of the property covered by the

same notification dated 16th August, 1995, wherein it was enunciated that in view of the provisions contained in Section 22(1)(b) of the Slum Act, 1971, it was necessary for the applicant to obtain the permission from the Competent Authority before executing the decree. Accordingly, this Court modified the decree, which was impugned in those civil revision applications.

7. Mr. Datar, the learned Counsel for the respondent – landlord, submits that he does not dispute the aforesaid proposition as it has been enunciated in connection with the properties covered by the very same notification, dated 16th August, 1995.

8. In view of the aforesaid submissions and having regard to the fact that the issue stands covered by the order passed by this Court on 25th June, 2019 in Revision Application No.238 of 2019, the instant application stands partly allowed.

9. The impugned decree stands modified to the effect that, before executing the decree, the plaintiff shall obtain permission of the Competent Authority as envisaged by Section 22(1)(b) of the Slum Act, 1971.

10. Subject to the aforesaid modification, the application stands disposed.

[N. J. JAMADAR, J.]