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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 8102 OF 2025
IN
CIVIL REVISION APPLICATION NO. 814 OF 2014

Mr. Devrajbhai Nagda Prop. of M/s Uday Metal
Industries Through Its Power Of Attorney Holder
Ketan D. Nagda ...Applicant
Versus
Mr. Surendra Baban Mishra ...Respondent

Mr. Ajay Dube i/b Mr. Ashish Dubey for the Applicant.
Mr. Abhishek Tripathi for Respondent.

CORAM : M.M. SATHAYE, J.

DATE : 13th OCTOBER, 2025

P.C. :

1. Heard learned counsel for the Applicants (revision Applicants) and learned counsel for the Respondent. This is a dispute between landlord and tenant, with revision Applicants being tenants and Respondent being landlord. It is not disputed that the revision application is filed challenging the decree of eviction.

2. By the order dated 13.04.2015, the revision application was admitted and the Applicants were directed to pay Rs.10,000/- per month as interim monthly compensation. Record shows that contempt petition was required to be filed by the Respondent landlord as the order of interim compensation was not complied with. By the order dated 17.04.2025, this Court, recorded the

statement on behalf of the Applicants that Rs.10,000/- per month will be deposited in the account of the Respondent landlord on or before 10th day of each succeeding month, and contempt petition was disposed of. It is contended by the landlord that this interim compensation is paid only till June 2025.

3. In the aforesaid factual backdrop, the present application is filed praying that the Respondent landlord be directed to remove obstruction and ensure that access to the suit premises should not be withheld. An affidavit-in-reply dated 11.10.2025 is filed by Respondent landlord, contending that the allegations about obstructing the entry are baseless and suit premises are very much used by the Applicants. It is stated that suit premises is a commercial premises which is being occupied and enjoyed by the Applicants. It is also stated that no complaint is filed by the Applicants with the Municipal Corporation for alleged blockage/obstruction of entry

4. Learned advocate for the Applicant relying on certain photographs annexed, have sought to contend that the access to the suit premises is blocked. Based on the same photographs, it is the contention of the Respondent landlord that the metal-gate visible near the 'peepal tree' is used for accessing the suit premises and as recently as on 02.04.2025, photographs from inside of the said gate are produced. At this stage, it is sought to be disputed by the learned counsel for the Applicant that the photographs showing the shutter of the suit premises, are taken from other premises and not from inside the gate.

5. Considering the narrow scope of the jurisdiction of civil revision application under Section 115 of Civil Procedure Code, 1908, under which the main dispute is to be considered, in my view, the disputed questions of fact cannot be gone into by way of interim application based on photographs, about which contradictory stands are taken before the Court.

6. In that view of the matter, the prayer made in the application cannot be granted and the same is accordingly rejected.

7. Interim application is disposed of in above terms.

(M.M. SATHAYE, J.)