IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 626 OF 2025

M/s Kasamali Lalji & Sons .... Applicant

Vs.

Mr. Sabir Yasin Nirban & Ors. .... Respondents

Mr. A.R. Shaikh, Advocate for Applicant
Mr. Rajeev Carvalho i/b P.J. Ramchandani, for Respondents.

CORAM : ARUN R. PEDNEKER, J.
DATE : 7th October 2026

P.C. :

1. Heard the learned Counsel for the parties.

2. The present Civil Revision Application challenges the Judgment and Order dated 4th October 2025 passed by the Appellate Bench of the Small Causes Court, Mumbai in Appeal No.8 of 2023 with Cross Objection No.13 of 2023, and the Judgment and Decree dated 23rd November 2022, passed by the Small Causes Court, Mumbai in R.A.E. & R. Suit No. 177/297 of 2009.

3. The brief facts giving rise to this Revision Application are noted below:

The Applicant, M/s. Kasamali Lalji & Sons (original Defendant No.1), is the original tenant of Shop No. 1, Ground Floor, Ismail Building, Janjikar

Street, Block No. 2, Cutlery Market, Near Juma Masjid Small Gate, C.S. No. 1192 of Bhuleshwar Division, Mumbai 400 002 ("Suit Premises"), at a monthly rent of Rs. 1,384/-.

Respondent Nos. 1 and 2 (original Plaintiffs) instituted R.A.E. & R. Suit No. 177/297 of 2009 in February 2009 before the Small Causes Court, against the Applicant and Defendant Nos. 3 to 5 (original Defendant Nos. 2 to 4) for eviction and recovery of arrears of rent under the Maharashtra Rent Control Act, 1999 ("Rent Act"), on the grounds of unlawful additions and alterations to the Suit Premises, continuous non-user, unlawful subletting and default in payment of rent.

The Writ of Summons was served on the Applicant on 17th March 2009. By an order passed in the Suit, the Trial Court permitted the Applicant to deposit arrears of rent in the Court without prejudice to the rights of the Plaintiffs. The application for deposit of rent was filed by the Applicant only on 7th October 2010, after expiry of 90 days from service of the Suit.

4. By Judgment and Decree dated 23rd November 2022, the Trial Court decreed the Suit and directed the eviction of the Defendants from the Suit Premises.

5. The Applicant preferred Appeal No. 8 of 2023 before the Appellate Bench of the Small Causes Court, Mumbai ("Appellate Court") challenging

the Original Decree. By order dated 6th May 2023, the Appellate Court stayed the effect, operation and implementation of the Original Decree, subject to the conditions that the Applicant (i) deposit arrears of compensation of Rs. 3,00,000/- per month for the period from the passing of the Original Decree until 30th April 2023 in four equal installments, (ii) deposit compensation of Rs. 3,00,000/- per month from 1st May 2023 till disposal of the Appeal, and (iii) deposit the arrears by 30th May 2023, failing which the stay would vacate without further reference to the Court. The Applicant did not comply with the conditions recorded in the order dated 6th May 2023, and the stay granted thereunder stood automatically vacated.

6. By Judgment and Order dated 4th October 2025, the Appellate Court dismissed the Appeal and allowed the Cross Objections preferred by the Respondents/Plaintiffs.

7. Learned Counsel for the Respondents submits that the decree has been executed in the year 2024 and that the application for restoration of possession filed by the Applicants has also been dismissed.

8. This Court, by an *ex parte* order dated 12th January 2026, directed that, until the next date of hearing, the eviction decree shall not be executed. However, the decree had already been executed, a fact which was not brought to the notice of the Court.

9. No case is made out for interference with the concurrent findings of fact, particularly with regard to the non-payment of rent under Section 15 of the Rent Act. The decree of eviction has also been passed on the ground of subletting.

10. The Civil Revision Application is dismissed.

[ARUN R. PEDNEKER, J.]

BHALCHANDRA GOPAL DUSANE

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