

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

WRIT PETITION NO.13320 OF 2025

Sulochana Manohar Raj Singhvi

....Petitioner

V/S

Hiranyakant Govind Samant

....Respondent

Mr. Abhijeet P. Rane *for the Petitioner.*

Mr. Vijay A. Dhadam with Mr. Amitkumar B. Singh *for Respondent.*

CORAM : SANDEEP V. MARNE, J.

DATE : 10 MARCH 2026.

P.C.:

1. The Writ Petition challenges judgment and order dated 24 June 2025 passed by Appellate Bench of Small Causes Court dismissing the Appeal preferred by the Petitioner and confirming the eviction decree dated 24 September 2019 passed by the learned Judge, Small Causes Court in R.A.E. Suit No.133/222 of 2007.

2. I have heard Mr. Rane, the learned counsel appearing for the Petitioner and Mr. Dhadam, the learned counsel appearing for the Respondent-landlord. I have gone through the findings recorded by the Trial Court and the Appellate Bench of Small Causes Court in the impugned judgments. I have also perused the records of the case.

3. After having considered the submissions canvassed by the learned counsel appearing for the parties, there appears to be concurrent finding

of fact relating unauthorized additions and alterations by the Petitioner in the suit premises. Plaintiff produced credible evidence of the unauthorized changes in kitchen, leaving room, lobby, bathroom, etc. in the suit premises. Applicant/Defendant relied on alleged permission given by mother of the Plaintiff on 9 January 1987 but the said permission was with regard to covering of balcony that too after securing permission from Municipal Corporation. Applicant/Defendant did not procure the permission from Municipal Corporation even for covering the balcony. In any case, the said permission given by the Plaintiff's mother did not include effecting of changes in the flat in respect of kitchen, leaving room, lobby, bathroom etc. Thus, unauthorized additions and alteration in the suit premises is concurrently proved before the two Courts. In exercise of revisionary jurisdiction, this Court is unable to interfere in the said concurrent findings.

4. As the Court expressed inclination to dismiss the Petition by confirming the orders passed by the Trial and the Appellate Court, Mr. Rane, after taking instructions from Mr. Manohar Raj Singhvi, constituted attorney of the Petitioner makes a statement that Petitioner shall vacate the suit premises if reasonable time is granted. He prays for time of 18 months for vacation of the suit premises. Mr. Dhadam submits that the Appellate Bench had fixed interim compensation of Rs.15,000/- per month plus monthly rent which amount the Petitioner was depositing till the date of Appellate Bench's decree. In my view, considering advanced age of 76 years of the Petitioner and the fact that

she is occupying the premises for a considerably period of time, it is considered appropriate to allow time of 18 months for the Petitioner to vacate the suit premises subject to payment of compensation of Rs.15,000/- per month in addition to the agreed monthly rent.

5. Accordingly, I proceed to pass the following order:

i) The decree dated 24 June 2025 passed by Appellate Bench of Small Causes Court is confirmed.

ii) Petitioner shall however have time of 18 months for vacating the suit premises subject to payment of compensation of Rs.15,000/- per month plus monthly rent in respect of the suit premises.

iii) Petitioner shall file an undertaking in this Court within a period of one week to vacate the suit premises within 18 months and for payment of amount of compensation and rent as directed above.

iv) It is clarified that if the Petitioner fails to file undertaking within the stipulated time, the decree shall become forthwith executable.

6. With the above directions, the Writ Petition is **disposed of**.

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(SANDEEP V. MARNE, J.)