



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.17183 OF 2025**

Arifa Jahangir Asaraf Shaikh and Ors.

...Petitioners

V/s.

Kanchan Nanadrajog Wd/o.
Jaidevsingh and Ors.

...Respondents

Mr. Shilendra Agharkar *i/b. Mr. Rizwan Merchant and Associates for the
Petitioners.*

Mr. Jamsheed Master *i/b. Ms. Natasha Bhot for the Respondents.*

CORAM: SANDEEP V. MARNE, J.

DATED: 17 MARCH 2026.

P.C.:

1) The Petition challenges order dated 26 March 2021 passed by the Appellate Bench of the Small Causes Court, rejecting the Revision Application No.33 of 2020 preferred by the Petitioners and confirming the Trial Court's order dated 11 November 2019.

2) Order dated 11 November 2019 is passed by the Trial Court in exercise of powers under Order XV-A of the Code of Civil Procedure, 1908 directing the Petitioner/Defendant to pay to the Plaintiff amount of Rs.10,27,780/- being the outstanding rent in respect of the period from 1 December 2007 upto January-2019 with further direction to deposit rent

of Rs.6,500/- per month from February-2019 during pendency of the Suit.

3) I have heard Mr. Agharkar, the learned counsel appearing for the Petitioners and Mr. Master, the learned counsel appearing for the Respondents and have considered the submissions canvassed by them.

4) The only grievance that is urged before me is in respect of correctness of figure of Rs.10,27,780/- determined by the Trial Court. My attention is invited to the chart presented by the Plaintiff on the basis of which the Trial Court has picked up the figure of Rs.10,27,780/-. Said chart indicates that the Plaintiff has added 18% GST on the rent figure of Rs.6,500/- from the year 2007 onwards. The Trial Court itself has directed deposit of only principal amount of Rs.6,500/- per month from February-2019. In that view of the matter, Defendants cannot be made liable to pay /deposit amount of GST from 1 Deceased 2007 to January-2019. Thus, an error to this extent needs to be corrected in the Trial Court's order. Perusal of the chart presented by the Plaintiff would indicate that principal amount of arrears of rent upto January-2019 is Rs.8,71,000/-.

5) Accordingly, Trial Court's order dated 11 November 2019 is modified by directing that the Defendant shall pay to the Plaintiffs amount of Rs.8,71,000/-towards arrears of rent upto January-2019.Direction No.2 in the operative part of order dated 11 November 2019 shall remain unaffected. Order passed by the Appellate Bench shall also stand modified to the above extent.

6) Defendants would be at liberty to pay / deposit the modified amount within a period of six weeks from today, failing which the Trial Court shall proceed to decide application filed by the Plaintiff for striking off defence of the Defendants.

7) With the above directions, Writ Petition is partly allowed and **disposed of.**

[SANDEEP V. MARNE, J.]