

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 568 OF 2025

Mr. Santosh Appa Paste

.....APPLICANT

: VERSUS :

Dalsingar Singh Damodar Singh

.....RESPONDENT

Mr. Pradeep Thorat i/b. Ms. Aditi Naikare, for the Applicant.

Mr. Navin Singh, for Respondent No.1(a).

CORAM : SANDEEP V. MARNE, J.

DATED : 11 MARCH 2026.

P.C. :

1) The Revision Application challenges judgment and order dated 9 September 2025 passed by the Appellate Bench of the Small Causes Court dismissing Appeal No. 35/2023 and upholding the decree dated 30 March 2023 passed in RA.E. Suit No.209/2010. The Suit has been decreed on solitary ground of default in payment of rent.

2) I have heard Mr. Thorat, the learned counsel appearing for the Applicant and Mr. Singh, the learned counsel appearing for, the Respondent-landlord.

3) Perusal of the judgments passed by the Trial and the Appellate Court would indicate that concurrent findings of delay in payment of rent are recorded by both the Courts. Most importantly, the Applicant appeared before the Court after receipt of suit summons and filed application on 23 December

2010 seeking permission to deposit rent for the period from 1 January 1996 till 30 November 2010 and further monthly rent from 1 December 2010 under Section 15(3) of the Maharashtra Rent Control Act, 1999. However, he failed to deposit the amount of arrears of rent with 15% interests and costs. Thereafter, the Defendant filed one more application on 24 February 2022 asking for permission to deposit rent from June 2015 to March 2022. However, this opportunity was not availed by the Defendant and there was default in payment of requisite interests and costs. The Appellate Court has also recorded a finding of fact that payment of rent during pendency of the suit was otherwise irregular.

4) It is sought to be contended that the notice under Section 15 of the Act was not properly served on the Applicant-Defendant. However, the Appellate Court has recorded an emphatic finding that the address mentioned in the notice corresponds with the Defendant's actual place of residence. The Defendant himself was employed as a Postman in the Postal Department and resided at the address in question. The acknowledgment also bears the signature of having accepted the notice. Though, Defendant attempted to disown the signature on the said acknowledgment, ultimately the suit summons is also served on the same address. At the stage of Appeal, the Appellant attempted to produce additional documents by raising a new plea that the concerned land was declared as Slum and seeking protection under the Maharashtra Slum Areas (Improvement, Clearance, and Redevelopment) Act, 1971 (**Slum Act**). The Appellate Court has considered the application for production of additional evidence and has arrived at the conclusion that the applicant was attempting to introduce an entirely new case which was ever pleaded in the Written Statement. The entire Suit proceeded on a footing that the land is a non-slum land and does not fall within the Slum Rehabilitation Scheme. The Appellate Court has also recorded the fact that land admeasuring only 52.4 sq.mtrs has been acquired for slum rehabilitation purposes. However

there is no material or evidence to establish that the suit premises form part of the acquired portion.

5) Considering the above position, I am of the view that no case is made out for interference in the concurrent findings recorded by the Trial and the Appellate Court. There is no jurisdictional error on the part of both the Courts warranting interference by this Court in the revisionary jurisdiction.

6) Revision Application is accordingly dismissed.

7) After the order is pronounced, Mr. Thorat would pray for grant of stay on eviction for a period of 8 weeks. The request is opposed by Mr. Singh. It appears that after dismissal of the Appeal on 9 September 2025, there has been no stay in favour of the Applicant. In that view of the matter, I am not inclined to grant stay after dismissal of the Revision Application. The request is accordingly rejected.

[SANDEEP V. MARNE, J.]

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