

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

CIVIL REVISION APPLICATION NO.621 OF 2025

1	Sujata Shekhar Shetty	
2	Shamira Shekhar Shetty	
3	Saurabh Shekhar Shetty	
4	Shivani Shekhar Shetty	 Applicants

V/S

1	Vivek Madhavlal Pittie	
2	Unknown Heirs and Legal Representatives of Blossom John D'silva	
3	Administrator General of Maharashtra	 Respondents

Mr. Venkatesh Dhond a/w Mr. Prateek Pansare, Mr. Alhan Kayser and Ms. Varsha Vasave i/b Mr. Avesh Kayser *for the Applicant.*

Mr. Bhushan Deshmukh a/w Mr. Arun Unnikrishnan and Urvi Gulechha i/b Jadeja & Satiya *for Respondent No.1.*

CORAM : SANDEEP V. MARNE, J.

DATE : 27 MARCH 2026.

JUDGMENT

1. Applicants have filed the present Revision Application challenging judgment and decree dated 14 October 2025 passed by the Appellate Bench of the Small Causes Court allowing Appeal No.123 of 2013 and setting aside judgment and decree dated 7 September 2013 passed by the learned Judge, Small Causes Court in R.A.E. Suit No.369/612 of 2004. The Appellate Bench has decreed R.A.E. Suit

No.369/612 of 2004 and has directed the Defendants to handover vacant and peaceful possession of suit premises to the Plaintiff with further direction for conduct of enquiry into mesne profits under Order XX Rule 12 of the Code of Civil Procedure, 1908 (**the Code**) from the date of the suit.

2. Plaintiff/Respondent No.1 is the Court Receiver of immovable properties appointed in Suit No.224 of 1961. One of the properties, in respect of which Plaintiff is appointed as Court Receiver, is Shivilal Motilal Mansion/Compound comprising of several buildings bearing House Nos. 1 to 23 and Nos. 294 to 307 with several sheds situated at junction of Dr. Bhadkamkar Marg and Bellasis Road, Mumbai – 400 008. Flat No. E-22 in of the said building consists of four rooms namely A, B, C, and D with common passage and sanitary block at the rear. Room No. A of Flat No. E-22 situated on third floor of the said building are the ‘**suit premises**’. It is Plaintiff’s case that one Rosario D’silva was the original tenant in respect of the suit premises. After his death, his son John D’silva became the tenant. According to Plaintiff, the tenant John D’silva sub-let the suit premises to several persons without the consent of the landlord. Plaintiff accordingly filed R.A.E. Suit No.3246 of 1985 against Mr. John D’silva as well as against the inductees. According to the Plaintiff, the inductees of the suit premises left the same and accordingly Plaintiff withdrew the said R.A.E. Suit No.3246 of 1985. Plaintiff alleged that after death of the tenant John D’silva, Defendant Nos.1 and 2 (Mary and Blossom) were the legal heirs who never resided in the suit premises. According to the Plaintiff, suit premises are unauthorizedly sub-let to Defendant No.3-Shekhar N. Shetty. Plaintiff

also alleged various structural additions and alterations of permanent nature in the suit premises.

3. Plaintiff accordingly filed R.A.E. Suit No. 369/612 of 2004 in the Court of Small Causes seeking eviction of the three Defendants (two tenants and the sublettee) on the grounds of unauthorized sub-letting, non-use, and additions and alterations. Defendant No.1 passed away during pendency of the suit and Defendant No.2 did not file Written Statement. Defendant No.3 (sublettee) resisted the suit by filing Written Statement. Based on pleadings, the Trial Court framed issues. Plaintiff examined five witnesses. Defendant examined himself. After considering the pleadings, documentary and oral evidence, the Trial Court proceeded to dismiss the suit by rejecting the grounds of non-use, unauthorized sub-letting, change of use and construction of permanent nature. The Trial Court also held that withdrawal of R.A.E. Suit No.3246 of 1985 had adversely effected maintainability of the fresh suit.

4. Aggrieved by dismissal of the suit, Plaintiff-Court Receiver filed Appeal No.123 of 2013 before Appellate Bench of Small Causes Court challenging the decree of the Trial Court dated 7 September 2013. By impugned judgment and order dated 14 October 2025, the Appellate Court has proceeded to allow the Appeal and has set aside Trial Court's decree dated 7 September 2013. The Appellate Court has decreed RAE Suit No.369/612 of 2004 with costs, directing Defendants to handover possession of the suit premises to the Plaintiff with further direction for conduct of enquiry into mesne profits under Order XX Rule 12 of the Code from the date of filing of the Suit.

5. Applicants are legal heirs of Defendant No.3 and have filed the present Revision Application challenging the eviction decree passed by the Appellate Court.

6. Mr. Dhond, the learned Senior Advocate appearing for the Applicants would submit that the Appellate Court has erroneously reversed the Trial Court's decree in absence of any perversity in the findings recorded by the Appellate Court. That the Trial Court had rightly held that withdrawal of earlier R.A.E. Suit No.3465 of 1988 had adversely affected the maintainability of the present Suit. That fresh Suit was clearly barred under provisions of Order XXIII Rule 1(4)(b) of the Code. That fresh suit is not maintainable in respect of same subject matter. That Plaintiff cannot be permitted to file multiple suits in respect of the same subject matter. That with withdrawal of the previous suit, the allegation of unlawful sub-letting was clearly dropped. Similarly, Plaintiff had also raised allegation of unauthorized additions and alterations of permanent nature in the suit premises in the previous suit and having withdrawn the said suit, he cannot bring second suit on same cause of action.

7. Mr. Dhond further submits that Plaintiff's suit was clearly barred by limitation. He submits that Defendant No.3 has admittedly come into suit premises in the year 1990. That MHADA's plan/list of occupants included the name of Defendant No.3. That therefore sub-letting, if any, has taken place in the year 1990 and the suit filed in the year 2004 was clearly barred by limitation. That the Appellate Court has erroneously reversed the said finding of the Trial Court.

8. Mr. Dhond further submits that the ground of non-user of the suit premises was baseless and raised belatedly after 14 years of entry of Defendant No.3 in the suit premises. He submits that even the ground of carrying out additions and alterations was rightly rejected by the Trial Court after appreciating the evidence on record. Mr. Dhond would accordingly pray for setting aside the impugned decree passed by the Appellate Court.

9. Mr. Bhushan Deshmukh, the learned counsel appearing for Respondent No.1/Plaintiff opposes the Revision Application contending that the Appellate Court has rightly decreed the suit by reversing the erroneous order passed by the Trial Court. He submits that sub-letting constitutes continuous cause of action and relies on judgment of this Court in *Shree Durga Trading Company vs. Ateeq Anwar Agboatwala and another*¹. He submits that the Applicants admit sub-letting by the original tenants. That since sub-letting is not disputed, the Appellate Court's decree does not warrant any interference. That sub-letting also proves the factum of non-use of the suit premises by the tenants. He submits that additional grounds of unauthorized additions, alterations and changing the use of the suit premises are also established against the Applicants. He therefore prays for dismissal of the Revision Application.

10. Rival contentions urged on behalf of the parties now fall for my consideration.

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11. Mr. Dhond had principally argued two points before me viz. that fresh suit was barred under the provisions of Order XXIII Rule 1(4)(b) of the Code, and that the suit was barred by limitation.

12. So far as the ground of Plaintiff's suit being Order XXIII Rule 1(4)(b) is concerned, the same is premised on filing and withdrawal of the RAE Suit No.3246 of 1988. Plaintiff is a Court Receiver appointed by this Court in respect of the structure in which suit premises are situated. He had instituted R.A.E. Suit No.3246 of 1985 alleging that the erstwhile tenant John D'silva had sub-let the suit premises illegally to several persons including Mr. Antony B. Lewis, Mr. Lobo, Mr. Shakeel Ahmed Kazi and Mr. Kadar Ahmed Kazi. It was Plaintiff's case that one of the inductees-Mr. Lobo had stopped residing in the suit premises. The suit remained pending till 4 February 1999 and the Plaintiff contended that the other inductees left the suit premises and accordingly the suit was withdrawn. Thus, R.A.E. Suit No.3246 of 1985 was filed on a complete separate cause of action relating to unauthorized sub-letting to Mr. Lobo, Mr. Lewis, Mr. Shakeel Kazi and Mr. Kadar Kazi. As against this, RAE Suit No.369/612 of 2004 was filed alleging unauthorized sub-letting to Defendant No.3-Shekhar N. Shetty. It can happen that a tenant can induct multiple persons at multiple points of time. Every time a new person is inducted by the tenant in the suit premises, fresh cause of action arises. Each act of sub-letting can give cause to the landlord to file a suit. To illustrate, the tenant inducts multiple licensees for tenure of 11 months at different points of time, multiple suits can be filed for each act of subletting and even if the suit in the respect of first licensee is dismissed, the same does not bar maintainability of the

second suit against another licensee. Therefore, the act of induction of Defendant No.3-Shekhar N. Shetty gave rise to a fresh cause of action. Unfortunately, the Trial Court did not appreciate the simple legal position and erroneously accepted the contention that the fresh suit was barred under provisions of Order XXIII Rule 1(4)(b) of the Code. The Appellate Court has correctly set aside the finding of the Trial Court on issue No.6. I do not find any reason to interfere in the said finding of the Appellate Court.

13. So far as the next ground that suit being barred by limitation is concerned, same is referable to Petitioner's entry/induction into the suit premises in the year 1990. It is contended on behalf of the Applicants that since induction occurred in the year 1990, the suit ought to have been filed within a period of 12 years under Articles 66 and 67 of the Limitation Act, 1963. This issue is no more *res integra* and is covered by judgment of this Court in *Shree Durga Trading Company* (supra) in which it is held that the act of sub-letting constitutes continuous cause of action. This Court held in paragraphs 10 to 18 of the judgment as under:

10. Articles 66 and 67 of the Limitation Act, 1963 (**Limitation Act**) provide thus:

	Description of suit	Period of limitation	Time from which period begins to run
66.	For possession of immovable property when the plaintiff has become entitled to possession by reason of any forfeiture or breach of condition.	Twelve years	When the forfeiture is incurred or the condition is broken.
67.	By landlord to recover possession from a tenant.	Twelve years	When the tenancy is determined.

11. Though Dr. Thorat has submitted that Article 67 would be attracted in the present case and not Article 66, in my view, it is not necessary to enter into that debate. What needs to be considered is whether the cause of action for recovery of possession on account of act of subletting is continuous in nature. The concept of continuous wrong is traceable to Section 22 of the Limitation Act, reading as under:

22. Continuing breaches and torts.- In case of a continuing breach of contract or in the case of a continuing tort, a fresh period of limitation begins to run at every moment of the time during which the breach or the tort, as the case may be, continues.

12. While considering a *pari materia* provision, i.e., Section 23 of the Limitation Act, 1908, the Supreme Court in *Balakrishna Savalram Pujari Waghmare v. Shree Dnyaneshwar Maharaj Sansthan*, AIR 1959 SC 798, laid down the law that the very essence of a continuing wrong is that it is an act which creates a continuing source of injury and renders the doer of the act responsible and liable for the continuance of the said injury; however, if wrongful act causes an injury which is complete, there is no continuing wrong even though the damage resulting from the act may continue. The Court held thus:

31. It is then contended by Mr. Rege that the suits cannot be held to be barred under Article 120 because Section 23 of the Limitation Act applies; and since, in the words of the said section, the conduct of the trustees amounted to a continuing wrong, a fresh period of limitation began to run at every moment of time during which the said wrong continued. Does the conduct of the trustees amount to a continuing wrong under Section 23? That is the question which this contention raises for our decision. In other words, did the cause of action arise *de die in diem* as claimed by the appellants? In dealing with this argument it is necessary to bear in mind that Section 23 refers not to a continuing right but to a continuing wrong. It is the very essence of a continuing wrong that it is an act which creates a continuing source of injury and renders the doer of the act responsible and liable for the continuance of the said injury. **If the wrongful act causes an injury which is complete, there is no continuing wrong even though the damage resulting from the act may continue. If, however, a wrongful act is of such a character that the injury caused by it itself continues, then the act constitutes a continuing wrong.** In this connection it is necessary to draw a distinction between the injury caused by the wrongful act and what may be described as the effect of the said injury. It is only in regard to acts which can be properly characterised as continuing wrongs that Section 23 can be invoked. Thus considered it is difficult to hold that the trustees' act in denying altogether the alleged rights of the Guravs as hereditary worshippers and in claiming and obtaining possession from them by their suit in 1922 was a continuing wrong. The decree obtained by the trustees in the said litigation had injured effectively and completely the appellants' rights

though the damage caused by the said decree subsequently continued. Can it be said that, after the appellants were evicted from the temple in execution of the said decree, the continuance of their dispossession was due to a recurring act of tort committed by the trustees from moment to moment? As soon as the decree was passed and the appellants were dispossessed in execution proceedings, their rights had been completely injured, and though their dispossession continued, it cannot be said that the trustees were committing wrongful acts or acts of tort from moment to moment so as to give the appellants a cause of action *de die in diem*. We think there can be no doubt that where the wrongful act complained of amounts to ouster, the resulting injury to the right is complete at the date of the ouster and so there would be no scope for the application of 23 in such a case. That is the view which the High Court has taken and we see no reason to differ from it.

(emphasis added)

13. Applying the above ratio to the facts of the present case, the wrong committed by Defendant No. 1 in subletting the premises continued and thereby the injury caused to Plaintiffs also continued. This is not a case where the wrongful act of Defendant No. 1 in subletting the premises resulted in injury which was complete and only damages resulting out of such injury continued. Therefore in a case involving subletting, a continuous cause of action would arise so long as the act of subletting continues.

14. Section 16(1)(e) of the Maharashtra Rent Control Act, 1999, which creates a right in favour of landlord to seek recovery of tenanted premises on the ground of unlawful subletting, provides thus:

(e) that the tenant has,-

(i) on or after the 1st day of February 1973, in the areas to which the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 applied; or

(ii) on or after the commencement of this Act, in the Vidarbha and Marathwada, areas of the State,

unlawfully sub-let or given on licence, the whole or part of the premises or assigned or transferred in any other manner his interest therein; or

15. Use of the words ‘has sublet’ in Section 16(1)(e) undoubtedly relates to past event of subletting and the act of subletting need not continue on the date of filing of the suit as against other grounds such as *bonafide* requirement, non use, etc. which must continue on the date of filing of the suit. However, if the tenant, who had sublet the premises prior to 12 years and continues subletting the same, the act would constitute continuous breach of tenancy conditions and would give rise to continuous cause of action.

16. Dr. Thorat has relied on judgment of Single Judge of this Court in *Shri. Taherbhai T. Poonawala v. S. Hamid Hassan Patel (deceased by LRs)* [AIR 2007 Bom 80] in which this Court has held in paras-9 to 12 as under:

9. Mr. Mandlik, the learned Counsel for Respondent Nos. 1A and 2, pointed out that the fact remains that this breach of tenancy was committed way back on 1st February, 1969 and cannot be ignored by the subsequent determination of tenancy on 9th June, 1981 by the said notice. Applying Art. 66 of the Limitation Act, 12 years would be the period of limitation prescribed for filing a suit for possession of immovable property by reason of breach of condition of tenancy starting from the date when the condition of tenancy was broken. Therefore, Mr. Mandlik contended that on computation of the said period of limitation from 1st February, 1969, when the condition of tenancy was broken, suit was clearly barred by law of limitation.

10. Mr. Mandlik, in this behalf relied upon the judgment of the Supreme Court in *Ganpat Ram Sharma v. Gayatri Devi*, [(1987) 3 SCC 576 : AIR 1987 SC 2016], specifically paragraph Nos. 21 to 23, which read as under:—

21. Before we discuss the other aspect the result of the several decisions to which reference has been made above indicate that the position in law is that the landlord in order to be entitled to evict the tenant must establish one of the alternative facts positively, either that the tenant has built, or acquired vacant possession of or has been allotted a residence. It is essential that the ingredients must be pleaded by the landlord who seeks eviction but after the landlord has proved or stated that the tenant has built, acquired vacant possession or has been allotted a residence, whether it is suitable or not, and whether the same can be really an alternative accommodation for the tenant or not, are within the special knowledge of the tenant and he must prove and establish those facts. The other aspect apart from the question of limitation to which we shall briefly refer is that the landlord must be quick in taking his action after the accrual of the cause of action, and if by his inaction the tenant allows the premises to go out of his hands then it is the landlord who is to be blamed and not the tenant. In the light of these, we have now to examine whether the suit in the instant case was barred by the lapse of time. But quite apart from the suit being barred by lapse of time, this is a beneficial legislation, beneficial to both the landlord and the tenant. It protects the tenant against unreasonable eviction and exorbitant rent. It also ensures certain limited rights to the landlord to recover possession on stated contingencies.

(Emphasis supplied)

22. The next aspect of the matter is which Article of the Limitation Act would be applicable. Reference was made to Arts. 66 and 67 of the Limitation Act, 1963 (hereinafter called the Limitation Act) which stipulates that for possession of immovable property the cause of action arises or accrues when the plaintiff has become entitled to possession by reason of any forfeiture or breach of condition. Article 67 stipulates a period of twelve years when the tenancy is determined. Article 113 deals with suit for which no period of limitation is provided elsewhere in this Schedule. On the facts of this case it is clear that Article 66 would apply because no determination in this case is necessary and that is well settled now. Determination by notice under Sec. 106 of the Transfer of Property Act is no longer necessary.

(Emphasis supplied)

23. It is well settled that time begins to run from the date of the knowledge. See in this connection the decision of *Harbans Singh v. Custodian of Evacuee Property 'P' Block*, AIR 1970 Del 82, though that was a case under a different statute and dealt with a different Article. See also *Ujagar Singh v. Likha Singh*, AIR 1941 All 48 at p. 30. The Division Bench of the Punjab and Haryana High Court in *Somdas (deceased) v. Rikhu Dev Chela Bawa Har Jagdass Narokari*, PLR (1983) 85 P&H 184 held that in a suit for possession under Art. 113 of the Limitation Act, material date is one on which the right to sue for possession arises.

(Emphasis supplied)

11. Mr. Mandlik, the learned Counsel also relied upon another judgment of the Hon'ble Supreme Court in *Shakuntala v. Hemchand*, (1987) 3 SCC 211: (AIR 1987 SC 1823), wherein, the Hon'ble Supreme Court in paragraph 12 (para 11 of AIR) has observed as under:—

12. If that is so then on the strict grammatical meaning Art. 67 of the Limitation Act would be applicable. This is indubitably a suit by the landlord against the tenant to recover possession from the tenant. Therefore the suit clearly comes within Art. 67 of the Limitation Act. The suit was filed because the tenancy was determined by the combined effect of the operation of Sections 12 and 13 of the Bombay Rent Act. In this connection, the terms of Sections 12 and 13 of the Bombay Rent Act may be referred to. At the most it would be within Art. 66 of the Limitation Act if we hold that forfeiture has been incurred by the appellant in view of the breach of the conditions mentioned in Section 13 of the Bombay Rent

Act and on lifting of the embargo against eviction of tenant in terms of the Section 12 of the said Act. That being so, either of the two, Article 6 or Article 67 would be applicable to the facts of this case; there is no scope of the application of Art. 113 of the Limitation Act in any view of the matter. Sections 12 and 13 of the Bombay Rent Act co-exist and must be harmonised to effect the purpose and intent of the legislature for the purpose of eviction of the tenant. In that view of the matter, Article 113 of the Limitation Act has no scope of application. Large number of authorities were cited. In the view we have taken on the construction of the provisions of Arts. 67 and 66 of the Limitation Act and the nature of the cause of action in this case in the light of Sections 12 and 13 of the Bombay Rent Act, we are of the opinion that the period of limitation in this case would be 12 years. There is no dispute that if the period of limitation be 12 years, the suit was not barred.

12. After hearing both the learned Counsel, and after perusal of the trial Court judgment and the lower Appellate Court judgment, it is clear that in the instant case, though the tenancy was created in favour of Respondent No. 1, the Respondent No. 1 never stayed in the suit premises, right from inception, i.e. 1st February, 1969. On the contrary, the Respondent No. 1 had illegally sub-let the same to Respondent Nos. 2 and 3 from 1st February, 1969. If that be so, the breach of tenancy conditions occurred on 1st February, 1969, and the suit ought to have been filed within 12 years, as per Art. 66 of the Limitation Act. Ex-facie the suit is barred by law of limitation. I respectfully do not agree with the judgment of the Gujarat High Court, that in case of illegal subletting, there would be a continuing cause of action. The said view is contrary to the provisions of Art. 66 of the Limitation Act.

17. It appears that the learned Single Judge of this Court in *Shri. Taherbhai T. Poonawala* has differed with the view taken by the Gujarat High Court that in case of illegal subletting there would be continuous cause of action and has held that suit must be brought within 12 years of act of subletting under Article 66 of the Limitation Act. However, it appears that provisions of Section 22 of the Limitation Act were not brought to the notice of this Court. Also, the case involved peculiar facts where the Appellate Court therein had rendered a finding that though tenant had entered into the said tenancy agreement, he never stayed in the suit premises, right from inception. This Court has relied on two judgments of the Apex Court. The issue before the Apex Court in its judgment in *Ganpat Ram Sharma v. Smt. Gayatri Devi* (1987) 3 SCC 576 : AIR 1987 SC 2016 was about application of Article 67 or

Article 113 in respect of the suit for recovery of possession from the tenant. Similarly, was the case in the judgment of the Apex Court in *Smt. Shakuntala S. Tiwari v. Hem Chand Singhania* [(1987) 3 SCC 211]. Thus, in both the judgments of the Apex Court relied upon by the learned Single Judge in *Shri. Taherbhai T. Poonawala*, the issue was not about the act of subletting giving rise to continuous cause of action. In my view therefore, the judgment in *Shri. Taherbhai T. Poonawala*, rendered in peculiar facts of that case where the tenant had not occupied the premises even for a single day, cannot be read in support of an absolute proposition of law that in every case, the injury arising out of act of subletting would be complete on the day when the subletting first occurs and that such an act would not constitute continuous cause of action under Section 22 of the Limitation Act.

18. In my view, the act of unauthorised subletting by a tenant constitutes a continuing breach of contract and therefore period of limitation would begin to run so long as the act of subletting continues. It is another case where the act of subletting comes to an end and Plaintiff fails to file the suit for recovery of possession within 12 years of reversal of act of subletting. In the present case, it is conclusively proved that Defendant No. 1 had allowed Defendant No. 2 to conduct business in the suit premises till the year 2000. Therefore, the suit filed in the year 2001 cannot be treated to be barred by limitation.

(emphasis added)

14. Thus if the act of subletting continues, the same would constitute a continuous wrong within the meaning of Section 22 of the Limitation Act, 1963. Since the act of sub-letting has continued as on the date of filing of the suit, it has given rise to continuous cause of action. The Trial Court had erred in holding that the suit was barred by limitation. The Appellate Court has corrected the said error. I do not find any valid reason to interfere in the finding recorded by the Appellate Court.

15. In the present case, Defendant No.3-himself has admitted that he is occupying the suit premises. Defendant No.3 is not the tenant in respect of the suit premises. Thus, the act of sub-letting is virtually admitted by Defendant No.3.

16. Presence of Defendant No.3 in the suit premises also proves non-use thereof by Defendant Nos.1 and 2. Defendant Nos.1 and 2 did not show any interest in defending the suit, which shows that they are no longer interested in respect of their tenancy rights in the suit premises. Defendant No.3 was admittedly using the suit premises at the time of filing of the suit. Defendant No.3 did not produce any documentary evidence to indicate that he is a lawful tenant inducted in the suit premises with landlord's consent. His plea of manager of the Plaintiff granting permission for use and occupy the suit premises could not be established. There is nothing on record to indicate that the original tenants had surrendered their tenancy rights and a new tenancy was created in favour of Defendant No.3.

17. So far as the ground of non-user is concerned, the Trial Court itself had answered the issue in the affirmative but had still proceeded to dismiss the suit. Thus, there are concurrent findings against the Applicants on the issue of non-user.

18. So far as the ground of unauthorized additions and alterations of permanent nature without prior written permission of the landlord is concerned, the Appellate Court has marshalled the evidence on record. It is established that there was no bathroom or WC inside the suit premises when the same were let out. However, evidence of PW2 Krupashankar Tiwari establishes that Defendant No.3 had constructed a regular bathroom with WC in the south-west corner of the suit premises. He had demolished the eastern side load-bearing main wall and constructed entrance door near the staircase. It is further proved that

Defendant No.3 has removed the cast iron grills and wooden railing of the gallery and merged the gallery into suit the premises. He also constructed one *mori* in the western side of the gallery. There can be no dispute to the position that these constructions would squarely fall in to the mischief of Section 16(1) (b) of the Maharashtra Rent Control Act, 1999. Thus, even the ground of erection of unauthorized additions and alterations of permanent nature without landlords' consent is established.

19. Considering the overall conspectus of the case, I am of the view that the Appellate Bench has rightly reversed the erroneous order passed by the Trial Court. Applicants have failed to make out a case of jurisdictional error or exercise of jurisdiction by the Appellate Court with material irregularity for this Court to interfere in exercise of revisionary jurisdiction under Section 115 of the Code.

20. Civil Revision Application is devoid of merits. It is accordingly **dismissed** without any order as to costs.

(SANDEEP V. MARNE, J.)

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