

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 163 OF 2026

Vijayshankar Ribaishivprasad Yadav
and Ors.

.....APPLICANTS

: VERSUS :

M/s. Sheth Enterprises & Ors.

....RESPONDENTS

Mr. Vishwajeet Sawant, Senior Advocate i/b. Mr. Vikramaditya V. Pai, for the Applicants.

Mr. Udayan Jain with Mr. Creesh Jain, for the Respondent.

CORAM : SANDEEP V. MARNE, J.

DATED : 11 MARCH 2026.

P.C. :

1) The Revision Application challenges judgment and decree dated 22 January 2026 passed by the Appellate Bench of the Small Causes Court reversing the order passed by the Trial Court dated 5 February 2024 in RAE Suit No. 206/325 of 2013. The Appellate Court has decreed the Suit on the ground of bonafide requirement of the Plaintiff-landlord for demolition of the building and for its reconstruction.

2) I have heard Mr. Sawant, learned Senior Advocate appearing for the Applicants and Mr. Jain, the learned counsel appearing for the Respondents-landlords.

3) The Respondents-landlords want to demolish the building and to reconstruct the same. It appears that there were some disputes between the parties about the exact area in occupation of the Applicants as tenants. That controversy is now resolved by the Plaintiff-landlord by offering area of 739 sq.ft to the Applicants in the newly constructed building. It must be borne in mind that in the written statement it was the case of the Applicants that the area in their possession is only 480 sq.ft. Thus, the Applicants are going to receive much larger area than the one currently in their occupation in the newly constructed building. The bonafide requirement of the landlord under Section 16(1)(i) has been concurrently upheld by the Trial and the Appellate Court. The Trial Court had erroneously proceeded to dismiss the Suit by relying on technical ground under Order 30 Rule 2 of the Civil Procedure Code. That error is corrected by the Appellate Bench.

4) While decreeing the suit, the Appellate Bench has directed filing of a fresh undertaking on affidavit by the Plaintiff-landlord under Section 16(6)(d) of the Maharashtra rent Control Act, 1999. I believe such undertaking has been filed by the Plaintiffs on 2 February 2026. If

the undertaking is not in accordance with law, it would be open for the Applicants to move the Small Causes Court.

5) No error is traced in the impugned decree passed by the Appellate Bench of the Small Causes Court. The Revision Application is accordingly rejected.

6) After the order is passed, Mr. Sawant would request for stay of the order for a period of 8 weeks. Mr. Jain submits that the work of reconstruction of the building is withheld on account of non-cooperation of the Applicants and the other tenants are suffering. In that view of the matter, the request for stay is rejected.

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[SANDEEP V. MARNE, J.]