



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION NO.184 OF 2025
IN
CIVIL REVISION APPLICATION NO.140 OF 2018

APPLICANT
(Orig. Pltff)

: Anilkumar S/o Bhaskarrao Walokar,
- Aged about 60 Years, Occ. Business,
R/o Sunil Niwas, Chitar Oli, Nagpur.

..VERSUS..

NON-APPLICANT
(Orig. defs.)

- :- 1) Rajkumar S/o Holaram Gurnani,
Aged about 62 years, Occ. Business,
- 2) Kishor S/o Holaram Gurnani,
Aged about 45 years, Respondent No.1
and 2 having their place of business in
the shop block on the ground floor of the
building bearing Municipal Corporation
House No.307, NIT Plot No.71, Ward
No.30, Bhavsar Chowk, Central Avenue
Road, Nagpur.
- 1) Rajkumar S/o Holaram Gurnani,
Aged about 62 years, Occ. Business,
R/o C/o Holaram Gurnani, Flat No.101,
B-Wing, Kukreja Sun City, Nara Road,
Dixit Nagar, Uppalwadi, Nagpur –
440026.
- 2) Kishor S/o Holaram Gurnani,
Aged about 45 years, occ. Business,
Quarter No.89C, Shanti Nagar Road,
Tulsi Nagar, Nagpur – 440002.

Amendment as per
Hon'ble Court's order
dated 07/10/2025.

WITH
MISC. CIVIL APPLICATION NO.183 OF 2025
IN
CIVIL REVISION APPLICATION NO.141 OF 2018

APPLICANT

(Orig. Pltff)

:- Anilkumar S/o Bhaskarrao Walokar,
Aged about 60 Years, Occ. Business,
R/o Sunil Niwas, Chitar Oli, Nagpur.

..VERSUS..**NON-APPLICANT**

(Orig. def)

:- Sheshrao S/o Ganpatrao Dhabade,
Aged about 60 years, Occ. Business,
having their place of business in the shop
block on the ground floor of the building
bearing Municipal Corporation house
No.307, NIT Plot No.71, Ward No.30,
Bhavsar Chowk, Central Avenue Road,
Nagpur.

Amendment as per Hon'ble Court's order dated 07/10/2025.

Sheshrao S/o Ganpatrao Dhabade,
Aged about 60 years, Occ. Business,
House No.389/90, Ahachit Mandir Road,
Behind Gandhi Nursing Home, Lakadi
pool, Mahal, Nagpur – 440002.

Mr. R.M. Sharma, Advocate for Applicant.
Mr.M.D. Samel, Advocate for Non-applicants.
Mr. G.M. Hambarde, Advocate for Non-applicant (in MCA No.183/2025).

CORAM : ROHIT W. JOSHI, J.

DATE OF RESERVING THE JUDGMENT: 29.04.2026

DATE OF PRONOUNCING THE JUDGMENT: 05.05.2026

JUDGMENT :

1. The present applications are filed seeking review of the judgments and orders dated 18.02.2025 passed by this Court in

Civil Revision Application No.141 of 2018 and 140 of 2018. The applicant had filed suits for eviction against the non-applicants in both review applications, under the provisions of the Maharashtra Rent Control Act, 1999. The suit and appeal preferred by the applicant, were dismissed, however, the revision applications preferred by the applicant came to be allowed by this Court. While allowing the revision applications, this Court has directed an inquiry into mesne profits from the date of order passed by this Court i.e. with effect from 18.02.2025. The applicant, who is the original plaintiff, seeks review of this judgment to the extent that the judgments restrict right to mesne profits from the date of judgment and not from the date of institution of suit. It is the case of the applicant that mesne profits ought to have been awarded from the date of institution of the suit.

2. The contention is strongly opposed by the learned advocate for the non-applicant/original defendant. The learned advocate places reliance on judgment of this Court in the case of *Union of India and others ..vs. Dr. Rustom Sam Boyce*¹. A learned Single Judge of this Court has held that in cases where the tenancy is governed by the Rent Acts, the possession of tenant does not

¹ 2024 (5) ALL MR 159

become illegal or unauthorized from the date on which the contractual tenancy is terminated. It is held that even after termination of contractual tenancy, the tenant continues to remain a tenant and is normally referred to as a statutory tenant. The learned Judge has further held that the possession of the tenant becomes unauthorized only from the date on which a decree for eviction is passed against him. In that view of the matter, it is held that right of the landlord to recover mesne profits is not available from the date of institution of suit, but only from the date on which decree for eviction is passed.

3. The learned advocate for the applicant however contends that the judgment passed by this Court in the revision applications must relate back to the date of decree passed by the learned Small Causes Court. The learned advocate contends that this Court has held that the decree passed by the learned Small Causes Court dismissing the suit for eviction is illegal and therefore the judgment and order passed by this Court should relate back to the judgment and decree passed by the learned trial Court i.e. the Small Causes Court.

4. I am afraid the contention raised by the learned advocate for the applicant cannot be accepted. An identical situation fell for

consideration before the Hon'ble Supreme Court in the case of *Chander Kali Bai ..vs.. Jagdish Singh Thakur*². In the said case, the trial Court had dismissed the suit for eviction filed by the landlord, however the appeal preferred by the landlord was allowed as a consequence of which suit for eviction was decreed. An issue arose as to whether the landlord will be entitled to mesne profits from the date of judgment by the learned trial Court or judgment by the learned First Appellate Court. The Hon'ble Supreme Court has categorically held that right to receive mesne profits will commence from the date on which decree for eviction was passed by the learned First Appellate Court. In the said case also, the tenant was entitled to protection of the State Rent Act. The situation in the present matter is identical with the case of *Chander Kali Bai* (supra).

5. In that view of the matter, in the considered opinion of this Court, the judgment under review rightly directs inquiry into mesne profits from the date of the judgment delivered in civil revision applications. Judgment and order dated 18.02.2025 is perfectly in accordance with law. The applications for review are therefore **rejected**.

(ROHIT W. JOSHI, J.)

C.L. Dhakate