

2025 LiveLaw (SC) 400

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
ABHAY S. OKA; J., UJJAL BHUYAN; J.

April 01, 2025

CIVIL APPEAL NOS.4595-4596 OF 2025 (Arising out of S.L.P.(Civil) Nos.301-302 of 2022)

AMRITPAL JAGMOHAN SETHI versus HARIBHAU PUNDLIK INGOLE

Maharashtra Rent Control Act, 1999 - Landlord-tenant relationship terminates only upon the passing of the eviction decree. Accordingly, mesne profits are to be calculated from the date of the decree.

[Arising out of impugned final judgment and orders dated 05-05-2017 in CRA No. 40/2017 and dated 17-08-2021 in MCAR No. 577/2017 passed by the High Court of Judicature at Bombay at Nagpur]

For Petitioner(s): Mr. Dharmendra Kumar Sinha, AOR Ms. Baby Devi Bonia, Adv.

For Respondent(s): Mr. Anurag Gharote, Adv. Ms. Kalyani Bhide, Adv. Mrs. Pragya Baghel, AOR

ORDER

Leave granted.

Heard the learned counsel appearing for the parties.

The appellant was a tenant and the respondent was the landlord. The respondent filed a suit for eviction on various grounds of the Maharashtra Rent Control Act, 1999. A decree for possession passed by the Trial Court has attained finality and the appellant has been evicted. The only issue is about the direction issued in clause (4) of the operative part of the decree which reads thus:

“(4) Inquiry into future mesne profit under Order XX Rule 12(1)(c) of Code of Civil Procedure be made from the date of suit till delivery of vacant peaceful possession of the suit property by the defendant to the plaintiff.”

As the decree of eviction was passed under the Maharashtra Rent Control Act, 1999, the settled position of law is that only on the decree of eviction being passed, the relationship of the landlord and the tenant comes to an end. Therefore, clause (4) of the operative part of the decree needs modification and the modified clause (4) shall read as under:

“Inquiry into future mesne profit under Order XX Rule 12(1)(c) of Code of Civil Procedure, 1908 be made from 29th March, 2014 till the delivery of the vacant possession of the suit property by the defendant to the plaintiff.”

Subject to the above modification, the appeals are allowed.

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