

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1448 OF 2015

Amarchand K. Agarwal .. Petitioner
vs.
Vitthal K. Raikar (since deceased)
through L.Rs. Rukmini V. Raikar & Ors. .. Respondents

Mr. P. D. Paranjape for Petitioner.

CORAM : M. S. SONAK, J.
DATE: 11 JUNE 2015

P.C. :-

- 1] **Not on Board. Upon production, taken on board.**
- 2] This petition challenges order dated 8 January 2015 by which the Small Causes Court at Pune has permitted respondent – landlord to amend the petition for eviction by raising an additional ground of eviction under Section 16(1)(k) of the Maharashtra Rent Control Act, 1999 (said Act).
- 3] Section 16(1)(k) of the said Act provides that a landlord shall be entitled to recover possession of any premises if the Court is satisfied that the premises are required for the immediate purpose of demolition ordered by any municipal authorities or other competent authority.
- 4] In this case, after the commencement of the trial, the Pune Municipal Council issued a notice for demolition, *inter alia* of the suit premises. In such circumstances, there was no question of the landlord raising such a ground earlier. For the same reason, this is

also not a case where it can be said that there is any lack of diligence on the part of the landlord. The amendment is necessitated on account of subsequent events. Rather than relegate the landlord to filing of separate proceedings upon this ground, the learned Small Causes Court has exercised discretion to permit amendment.

5] The learned counsel for the petitioner however contends that in the original eviction petition, the landlord had furnished undertakings to the effect that the petitioner would be accommodated in alternate premises. Further, the learned counsel for the petitioner contends that there are no bonafides involved in procuring the notice of demolition from Pune Municipal Council. At this stage, there is no occasion to go into such issues. Undoubtedly all the defences available in law, can be raised and pursued by the petitioner. In fact, consequent upon amendment being allowed, such opportunity is required to be afforded to the petitioner and there is no serious grievance that such opportunity been denied to the petitioner.

6] In the aforesaid circumstances, there is no reason to interfere with the impugned order. This petition accordingly is dismissed. There shall be no order as to costs.