

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

WRIT PETITION NO.7699 OF 2015

Smt. Revanti Babubhai Mota

.. Petitioner

Versus

Mrs. Manjiri Dilip Gokhale

.. Respondent

Shri. Vishal Kanade i/by Shri. Satish S. Raut, for the Petitioner.

Shri. Yuvraj P. Narvankar, for the Respondent.

CORAM : R.M. SAVANT, J.

DATE : 11th DECEMBER, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 10.03.2015 passed by the Learned Judge of the Small Causes Court, Pune, by which order the application Exh.92 filed by the Petitioner for framing of two additional issues came to be rejected. The Petitioner is the original Defendant in the suit in question being Small Cause Suit No.391 of 2011 which has been filed for eviction on the ground of bonafide requirement. In the said suit, the Petitioner has filed her Written Statement wherein she has made certain averments relating to the exorbitant and excessive rent recovered by the Plaintiff/landlord. The issues came to be framed in the suit sometime in the year 2012. The Petitioner thereafter has filed the instant application Exh.92 on

17.01.2015 by invoking Order 14 of the CPC and Section 8 of the Maharashtra Rent Control Act, 1999 for framing of two additional issues which are the following :-

- “1. Whether the rent, permitted increases and maintenance charges etc. as claimed and recovered by the landlord are excessive and exorbitant and which is not the standard rent of the premises ?
2. What is the standard rent and permitted increases ?”

The Trial Court has rejected the application on the ground that the Defendant has not filed a counterclaim wherein the relief of fixation of standard rent is claimed and also on the ground that since the suit has been filed only on the ground of bonafide requirement, the issue of standard rent has no relevance. In my view, having regard to the fact that the suit is filed for eviction of the Defendant invoking the ground of bonafide requirement as also having regard to the fact that the Petitioner/original Defendant has not filed any counterclaim or even an application for fixation of standard rent, the order passed by the Trial Court rejecting the application Exh.92 cannot be found fault with. No case for interference in the Writ Jurisdiction of this Court is therefore made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]