

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

Writ Petition No.5914 of 2014
(Shri Purushottam s/o Keshavrao Barapatre v. Shri Kishor s/o Krishnarao
Mu7ngse)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri D.G. Paunikar, Advocate for Petitioner.
Shri S.S. Nandanwar, Advocate for Respondent.

Coram : R.K. Deshpande, J.

Dated : 4th March, 2015

Both the Courts below have concurrently held the petitioner-tenant to be the habitual defaulter in arrears of rent and the respondent-landlord has established bona fide requirement. The decree for eviction and possession has been passed, which is maintained in appeal.

In para 10 of the judgment delivered by the Trial Court in Regular Civil Suit No.545 of 2005, the findings are recorded as under :

“10. Thus, the orally and documentary evidence of plaintiff on record is sufficient to hold that arrears of rent 43,200/- plus notice charges Rs.500/- total Rs.43,700/- are due against defendant and he failed to pay the said amount within 90 days from the receipt of the last notice Exh. 30, as well as within 90 days from the receipt of suit summons. The defendant has also not deposited the arrears of rent as well as rent during pendency of the suit. Therefore he is defaulter under

section 15 of Rent Act and liable to be evicted from the suit premises. Hence answer to point No.1 in affirmative.”

It is thus apparent that there is a total non-compliance with the provisions of Section 15 of the Maharashtra Rent Control Act, 1999. There is no dispute raised as to the aforesaid findings recorded by the Trial Court.

In view of this, no interference is called for in the impugned judgments and orders passed by the Courts below. The petition is dismissed.

Judge.

Lanjewar