

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

WRIT PETITION NO.5117 OF 2015

(ANIL MURLIDHAR LAWHARE..VS.. ST. SHASHIKALA KESHAV WAIRAGADE & ANR.)

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

Court's or Judge's orders

Shri P.V.Ghare, Adv. h/f. Shri A.M.Ghare, Adv.for Petitioner.
Ms A.S.Wanjari, Adv.h/f. Shri M.Anilkumar,Adv. For Resps.

CORAM : Z.A.HAQ, J.

DATED : FEBRUARY 09, 2018.

The petitioner/tenant has challenged the judgment and decree passed by the subordinate Courts concurrently upholding the claim of the landlord for decree for eviction and possession on the ground that the petitioner failed to pay the rent when it became due and payable.

The submission on behalf of the tenant is that the demand notice issued by the landlord was defective and therefore, the tenant could not comply with it and in this situation, the tenant cannot be held liable for eviction under Section 15 of the Maharashtra Rent Control Act, 1999.

After examining the facts on record, I find that admittedly the tenant has not paid/deposited any amount after filing of the civil suit and also during pendency of the appeal before the District Court. The learned District Judge has considered these relevant facts in paragraph 17 of the judgment passed by him. The conclusions of the learned District Judge are in consonance with the provisions of Section 15(3) of the Maharashtra Rent Control Act, 1999.

The learned advocate for the respondents/ landlord has submitted that even during pendency of this writ petition the tenant has not paid/deposited any amount.

I do not find any illegality or error of jurisdiction which necessitates interference by this Court in extraordinary writ jurisdiction.

The writ petition is **dismissed**.

The petitioner/tenant shall pay costs of Rs. Twenty Thousand to the respondents/landlords and produce receipt on record of this writ petition till 15th April, 2018.

JUDGE

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