

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9714 OF 2019

M/s Saraswati Printing Press, Jalna ...Petitioner

Versus

Smt. Tarabai Ramniwas Lakhotiya ...Respondent

.....
Mr. M.K.Deshpande, Advocate for the Petitioner.

.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 05-08-2019.

PER COURT :

01. The petitioner is aggrieved by the Order dated 10.9.2018 challenged in this petition, by which the Trial Court has declined to frame two additional issues as are prayed for by the petitioner-defendant, in R.C.S. No. 732/2012.

02. I have heard the learned Advocate for the petitioner-defendant for quite sometime. I have gone through the grounds formulated in the memo of the petition.

03. The plaintiff has arrayed the petitioner M/s Saraswati Printing Press, Jalna as the sole defendant and

the suit is filed under Section 15 of the Maharashtra Rent Control Act, 1999 for evicting it from the two shops situated on the ground floor in the building known as Moti building. There is no dispute that the two shops have been taken on rent by the Saraswati Printing Press, Jalna.

04. Grievance is that the defendant has been arrayed through Pravin Vedprakash Sharma, who is the Manager of the said firm, but, has been indicated as the proprietor of the firm. A specific stand has been taken in the written statement that the Manager has been shown as the proprietor and the correct name of the proprietor has not been mentioned. The issues were cast on 21.10.2013.

05. The application Exh. 106 was filed by the petitioner on 15.9.2017 praying for framing the following two additional issues :

1. Does the plaintiff has filed suit is wrong name by showing proprietor to Pravin Vedprakash Sharma ?

2. Does the suit is maintainable in the eye of law in wrong name ?

(Reproduced verbatim)

06. The Trial Court has passed the impugned Order concluding that the defendant has been regularly

depositing the rent amount in the Court and it is admitted that the firm is the tenant of the suit premises.

07. I find from the record that the defendant firm is contesting the suit through the Manager, who is incorrectly shown as Proprietor. The Proprietor is aware that he is a Manager and the said Manager concedes that he is still working with the defendant in his capacity as the Manager. In the above backdrop, it is for the plaintiff to worry as to whether his suit could be materially affected by the Manager Pravin Vedprakash Sharma having been shown as the proprietor. In view of the above, the impugned Order can not be termed as perverse or erroneous.

08. This petition, being devoid of merit, is therefore dismissed.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-