

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11932 OF 2019

KAMALSINGH RANJEETSINGH CHHABDA
VERSUS
RAMESH GOPALRAO LINGAYAT AND OTHERS

Mr.R.B.Narwade Patil, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 01/10/2019

PER COURT :

1. The petitioner, who is the original defendant in RCS No.23/2007, is aggrieved by the order dated 10/10/2018, by which the Trial Court has allowed application Exh.92 and directed the petitioner to pay the due rent amount from 01/04/2012 @ Rs. 1800/- per month, which is an agreed rent amount. The petitioner is also aggrieved by the order dated 25/01/2019, by which the Trial Court has rejected application Exh.101 filed by the petitioner praying for reviewing the earlier order.

2. The learned Advocate for the petitioner has narrated the entire history of the litigation. He relies upon the grounds formulated in the memo of the petition. He also places reliance upon the cross

examination of the plaintiff/landlord and submits that the plaintiff has admitted that he had taken loan of Rs.50,000/- from the petitioner tenant and had agreed to adjust the amount of Rs.1,000/- from each month's rent amount of Rs.1,800/-.

3. I have perused para No.25, which is the cross examination of the plaintiff. Same is in Marathi. I do not find from any angle, could the said recording in paragraph No.25 be construed to mean that the plaintiff/landlord had conceded that he had taken a loan of Rs.50,000/- and also conceded to reduce the rent amount from Rs.1,800/- per month to Rs.1,000/- per month.

4. The record reveals that the petitioner is occupying a commercial shop admeasuring 190 Sq.ft. in the heart of the commercial hub in Aurangabad known as Gulmandi. In view of the above, I do not find that the order passed by the Trial Court could be termed as being perverse or erroneous or likely to cause grave injustice to the petitioner.

5. Before I could pass an order of imposing costs on the petitioner, the learned Advocate for the petitioner has prayed that costs may not be imposed.

6. In view of the above, this petition is dismissed.

7. Since the suit is of 2007, the Trial Court shall decide RCS No.23/2007 as expeditiously as possible and in any case on or before 31/03/2020. The parties shall co-operate for such disposal. The Trial Court is at liberty to reject applications for adjournment, if they are based on unreasonable or trivial grounds.

(Ravindra V.Ghuge, J.)