

Mr. Anand Pande for Petitioners.

P.C. :

2. This Petition takes exception to the order dated 22.01.2018 passed by the learned Judge, Court Room No.35 of the Court of Small Causes at Bombay (Bandra Branch) below exhibit-16 in R.A.E.&R. Suit No.284 of 2015 in so far as it rejects the prayer of the plaintiffs for taking inspection of the suit premises along with the Advocate. By the impugned order, the learned trial Judge has partly allowed the application exhibit-16 filed by the plaintiffs and directed the defendants to allow the plaintiffs for inspection of the suit premises along with their Architect and Photographer after issuing notice to the defendants well in advance.

3. In support of this Petition, Mr. Pande submitted that defendants are opposing the inspection by Advocate and it is necessary to permit the Advocate to enter the suit premises for the purpose of inspection so that he can record the objections of the defendants.

4. It is not possible to accept this submission. Section 28 of the

Maharashtra Rent Control Act, 1999 reads thus,

“28. Inspection of premises

The landlord shall be entitled to inspect the premises let or given on licence, at a reasonable time after giving prior notice to the tenant, licensee or occupier.”

5. In the case of *Empeegee Portfolio Services Pvt. Ltd. Vs. Sharada Navinchandra Shah*, 2009(1) ALL MR 516, this Court has observed thus,

“ ... In my opinion "to inspect the premises" covers a critical examination. It cannot be mere casual glance or mere ocular inspection. In a given case it may be to determine the past and present condition of the premises. I see no reason why the landlord should not be permitted to inspect the premises let or given on licence after giving notice to the tenant, licensee or occupier. There is no stage mentioned or contemplated in this section. At any point of time in the given facts and circumstances of the case, if the landlord, wants to inspect his own premises, I see there is no reason not to permit such landlord to inspect the premises.”

6. As the learned trial Judge has permitted inspection of the suit premises to the plaintiffs along with Architect and Photographer, no case is made out for interfering with the impugned order. Hence, Petition fails and the same is dismissed. It is, however, expressly made clear that where a decree is appealed from by the petitioner, any error, defect or irregularity in the impugned order, affecting the decision of the case, may be set forth as a ground of objection in the memorandum of appeal as contemplated by Section 105(1) of C.P.C.

(R. G. KETKAR, J.)