

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

WRIT PETITION NO.5970 OF 2019

(RAJU CHAVDAS SAPKAL & ANR...VS.. SAINATH DHANNALAL JAVERI & ANR.)

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

Court's or Judge's orders

Shri S.V.Marathe, Adv. h/f. Smt.S.W.Deshpande, Advocate for
Petitioners.

CORAM : Z.A.HAQ, J.

DATED : AUGUST 29, 2019.

Heard.

2. It is not in dispute that the respondents are landlord and petitioners are tenants. The trial Court recorded that the defendants(present petitioners/tenants) were in arrears of standard rent for the period from 16th March 2004 to 15th November 2009 and that the defendants failed to prove that they were ready and willing to pay the rent and permitted increases, and decreed the claim of the plaintiff (present respondents/landlords) for possession of the suit premises. The petitioners had filed appeal before District Court which is dismissed by the impugned judgment. In paragraph no.16 of the judgment the learned District Judge has recorded as follows:

“16. The appellants came with the case that, the respondents are not entitled for the vacant possession of the suit property and the appellants are not defaulters as the appellants deposited all the arrears of rent in the Court after service of the notice. It is also observed after payment of the rent on 18/03/2011 the appellants never deposited single rupee furthermore in the Court towards the arrears of rent in the present case, then the appellants become defaulters in arrears

of rent then the respondents are entitled for possession of the suit property along with recovery of arrears of rent and mesne profit also. Hence, it is hereby conclude that the respondents are entitled for all the relevant claims in the suit. Hence, the Court answer point No.4 in the negative.”

3. The learned Advocate for the petitioners/tenants has pointed out the averments in paragraph No.8 of the petition which show the details of payment of rent by the petitioners/ tenants as follows:

“That, the petitioners further deposited the rent as under:

-Exh.15 – Rs.510/- (15/04/2011 to 15/07/2012)

-Exh.16 – Rs.510/- (16/07/2012 to 15/10/2013)

-Exh.17 – Rs.510/- (16/10/2013 to 15/12/2014)

-Exh.32 – Rs.1224/- (16/12/2014 to 15/12/2017)

-Exh.33 – Rs.408/- (16/12/2017 to 15/12/2018)

-Exh.34 – Rs.272/- (16/12/2010 to 14/04/2011)”

4. The above facts show that there have been consistent failure on the part of the petitioners/tenants to comply with the requirements of Section 15(3) of the Maharashtra Rent Control Act 1999 and therefore, the conclusions of the subordinate Courts that the petitioners/tenants are liable for eviction cannot be faulted with. It cannot be said that the subordinate Courts have committed any illegality or error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction.

Hence, the petition is **dismissed**. No costs.

JUDGE