

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

WRIT PETITION NO.637 OF 2019

(RAJKUMAR SATYAWANDAS KATARIYA...VS.. SHARAD MAHADEO MAHAJAN (HUF))

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

Court's or Judge's orders

Shri H.D.Dangre, Advocate for Petitioner.

CORAM : Z.A.HAQ, J.

DATED : JANUARY 30, 2019.

Shri S.S.Shahane, Advocate has put in appearance
for the respondent.

Heard.

By this petition the original non-applicant(tenant) has challenged the order passed by the trial Court directing the tenant to pay the rent @ Rs.7,200/- per month till disposal of the proceedings pending before it. This order is passed, exercising jurisdiction under Section 8(4)(a) and (b) of the Maharashtra Rent Control Act, 1999 (hereinafter referred to as "the Act of 1999") which enables the Court to fix interim standard rent.

The submission on behalf of the applicant/tenant is that the proceedings for fixation of the standard rent are filed by the landlord in 2015, the trial progressed and at the stage of recording of the evidence, the landlord filed application under Section 8(4)(a) and (b) of the Act of 1999 and the trial Court has passed the impugned order fixing the interim standard rent at about 5 times the rent paid by the tenant. It is submitted that the trial Court should not have fixed the interim standard rent and should have disposed the proceedings itself on merits. Various other submissions are made to point out that the impugned order is unsustainable.

The petitioner had filed revision application before the District Court which is dismissed as not maintainable.

After examining the matter and considering the submissions made by the learned advocates for the petitioner and the respondent, I am of the view that it would not be appropriate for this Court to delve into the merits of the matter as it may prejudice the adjudication in the proceedings before the trial Court. As the matter is at the stage of recording of the evidence, in my view, the following order would sub-serve the ends of justice:

The trial Court shall dispose the proceedings till 15th July 2019 without being influenced by the considerations in the impugned order.

As recorded above, I have not examined the merits of the challenges in this petition and have refused to interfere with the impugned order, it being an interlocutory order. The deposit of the amount of rent by the tenant as per the impugned order shall be without prejudice to his contentions on merits.

Out of the amount deposited by the tenant, the landlord be permitted to withdraw amount @ Rs.2,135/- per month. The disbursal of the balance amount shall be as per the orders which the trial Court would pass while disposing the proceedings.

The writ petition is **disposed** accordingly. In the circumstances, the parties to bear their own costs.

JUDGE