

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 55 OF 2021

Tanaji Pandharinath Fiske

..APPLICANT

VERSUS

Ramesh Wamanrao Sagar

..RESPONDENT

....
Mr. S.S. Manale, Advocate for applicant

Mr. A.R. Lukhe, Advocate h/f Mr. A.R. Tapse, Advocate for respondent

....

CORAM : R.G. AVACHAT, J.

DATED : 25th AUGUST, 2021

PER COURT :

1. Heard.

2. The challenge in this revision application is to the order dated 30th January, 2021 passed on application Exh.18 in Rent Suit No. 2 of 2020 rejecting the application for rejection of plaint.

3. Perused the plaint. The suit has been filed for possession of the suit premises on the ground of bonafide requirement and default under the Maharashtra Rent Control Act, 1999 ('the Act'). The application was moved for rejection of plaint only on the ground that the notice required to be issued in terms of Section 15(2) of the Act was premature.

4. It is settled preposition of law that plaint is to be rejected in it's entirety or not at all. The plaint cannot be rejected partially. Admittedly, the suit has been filed for possession on more than one ground under the Act, while the plaint is sought to be rejected only on the ground of the suit notice to have been premature. It is reiterated that the suit is also filed on the ground of bonafide requirement. The plaint was not, therefore, liable to be rejected. The trial Court has rightly rejected the application moved by the applicant/original defendant. No fault can therefore be found with the impugned order.

5. Civil Revision Application stands dismissed.

(R.G. AVACHAT, J.)

SSD