

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

CIVIL REVISION APPLICATION NO. 240 OF 2007

Suresh Vasudeo Nale,
Age; 44 years Occ; Service,
R/o; Sharada, 17, Housing Society,
Jalgaon, Tq. & Dist. Jalgaon.

...APPLICANT

V E R S U S

1. Shardabai Kamlakar Patil,
(Deceased) legal heir,
Shri Prakash Kamlakar Patil,
Age; 43 years, Occ; Business,
R/o; 17 Sharda Housing Society,
Jalgaon Tq. & Dist. Jalgaon.
2. Rajendra Kamalkar Patil,
Age; 41 years, Occ; Business,
R/o; 604, Maitridarsha, Luiswadi,
In front of Municipal School,
Thane (West), Tq. & Dist. Thane.

...RESPONDENTS

.....
Advocate for the Applicant : Mr. G.V.Wani
AGP for the Respondent No. 1 : Mr. P.N.Kutti
.....

CORAM : RAJESH S. PATIL, J.

DATE : 17.11.2022

JUDGMENT :

1. This Civil Revision Application is filed by the tenant challenging the order dated 10.06.2005 passed by the First Adhoc

Additional District Judge, Jalgaon in Civil Revision Application No. 03 of 2004 (for short 'CRA').

2. The landlord had filed a suit for eviction against the tenant, on the ground of change of user and nuisance. The applicant herein being the tenant, filed application for fixation of standard rent under Section 8 of the Maharashtra Rent Control Act. The suit premises is 3 rooms each consisting around 150 Sq. fts.

3. The landlord has filed reply, to the application filed by the tenant for fixing the standard rent. In the said reply the landlord stated that the premises is given on leave and licenses for a period of 11 months starting from 06.05.1999 to 05.05.2000, at monthly licenses fees of Rs. **1500/-**.

4. The suit filed by the landlord was dismissed, by the judgment and order dated 23.04.2004 and the standard rent of the suit premises was fixed of Rs. 250/- p.m. plus 5% increase. The landlord was granted liberty to withdraw the amount of rent deposited in the Court by the tenant.

5. The landlord challenged the fixation of standard rent before the District Court at Jalgaon by way of CRA No. 03 of 2004. By the judgment and order dated 10.06.2005, the landlord's CRA was allowed and the standard rent was fixed to Rs. 1500/- p.m., plus 5% of increase.

6. The said order passed by the District Judge, Jalgaon on 10.06.2005 has been challenged in the present CRA No. 240 of 2007 before the High Court.

7. Both parties made submissions before this Court. The learned Counsel for the applicant-tenant, argued that the amount Rs. 1500/- p.m., fixed by the District Judge, Jalgaon is perverse, as they had furnished the instance of another premises in the same building wherein per month rent was fixed of Rs. 600/- p.m. It was further argued that in the city of Jalgaon the premises on leave and licenses are easily available at much cheaper rates. Fixing of monthly standard rent from Rs. 250/- p.m. to Rs. 1500/- is without any justification.

8. On behalf of the respondent landlord, the learned counsel made submission that the standard rate fixed by the District Court is proper and justified. The tenant is enjoying the property at much cheaper rate than that is available in the market.

9. I have gone through the impugned judgment and the documents on record. The suit premises is admittedly in the heart of the city and the facilities of Railway Station, Bus Stand, etc., are easily accessible, the business localities are very near to the suit premises. Before filing the proceedings the landlord had issued a notice to the tenant. To the said notice the tenant had filed a reply it was marked as

Exh. 32. In the said reply there is admission on behalf of tenant that as per the leave and licenses agreement the monthly rent is Rs. 1500/- p.m.

10. After passing of the impugned order on 10/06/2005, much time has passed away and taking into consideration the admission made by the tenant and the locality of the suit premises. I conclude the standard rent fixed at Rs 1500/- by the District Court, Jalgaon is proper and no fault can be found in the reasoning of the learned District Court. In view of the same, CRA is dismissed.

11. The appellant/tenant should deposit the entire arrears pertaining to the suit premises @ Rs. 1500/- p.m. till date, within a period of four weeks from today.

12. CRA is accordingly disposed of, as dismissed.

(RAJESH S. PATIL)
JUDGE