

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

**WRIT PETITION NO. 2229 OF 2022**

M/s. Saree Enterprises and other Vs. Nirdoshkumar Radheshyam Chaurasia

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

Court's or Judge's orders

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Mr. S.V.Purohit, Advocate for the petitioners  
Mr. Arjun Raoka, Advocate for respondent.

**CORAM : AVINASH G. GHAROTE, J.**  
**DATE : 29/07/2022**

1] Heard Mr. Purohit, learned counsel for the petitioners and Mr. Raoka, learned counsel for the respondent.

2] Mr. Purohit, learned counsel for the petitioner by inviting my attention to the impugned judgment in appeal, contends that a plea regarding absence of bonafide need of the landlord, as claimed was raised, the impugned judgment does not consider the same at all, as a result of which the impugned judgment is vitiated.

3] I have asked Mr. Raoka, learned counsel for the respondent to point out the consideration of this plea in the impugned judgment, however, he is not able to point out any such consideration, discussion and finding. On this limited ground alone, the impugned judgment cannot be sustained, as it does not even advert to the plea regarding a confirmation of the finding by the

learned trial Court as to the bonafide need. In **Maya Devi (Dead) through L.Rs vs. Raj Kumari Batra (Dead) through L.Rs and ors, (2010) 9 SCC 486** (para 30), it has been held by the Hon'ble Apex Court that a requirement of a discussion and reason even for upholding a plea or rejecting it, is necessary to be spelt out from the judgment itself, as the reasoning is the heart of the judgment. In the instant matter there is no discussion or reasoning whatsoever in respect of the plea under Section 16(1)(g) of the Maharashtra Rent Control Act.

4] Mr.Raoka, learned counsel for the respondent at this juncture submits that the matter be remanded back to the learned appellate Court for the consideration of a plea u/s 16(1)(g) of the MRC Act.

5] In my considered opinion that would be the only option available, considering which the impugned judgment of the first appellate Court is hereby quashed and set aside and the matter is remanded back to the learned appellate Court to consider and decide the plea regarding the need claimed by the landlord under Section 16(1)(g) of the MRC Act, only, and no other plea.

6] The petition is allowed in above term. No costs.

**JUDGE**

Digitally sign by RAJESH  
VASANTRAO JALIT  
Location:  
Signing Date:03.08.2022 10:43