

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5664 OF 2018

SMT.SUSHILA INDRAMANT VERMA)...PETITIONER

V/s.

SHRI.DINESH BALARAM PATIL)...RESPONDENT

Mr.Ram Singh a/w. Mr.Ankur Jain, Advocate for the Petitioner.

Mr.Rajiv Shekhawat i/by Raj Legal, Advocate for the Respondent.

CORAM : ABHAY AHUJA, J.

DATE : 31st JULY 2023

P.C. :

1. By this Petition, the Petitioner, who was the tenant of suit premises being Room No.34/6, Sai Sadan, Shantinagar, Near D.N.C. High School, Nandivli Road, Dombivali (East), District Thane, has challenged the order dated 23rd December 2017 rejecting the Revision Application preferred against the landlord against the judgment and order of the Civil Court whereby the Civil Court pursuant to an application made by the Petitioner in this regard for fixing of standard rent had allowed the said application fixing the standard rent at Rs.931/- per month along with taxes.

2. Mr.Rajiv Shekhawat, learned Counsel for the Respondent, would submit that although the standard rent has been fixed as desired by the Petitioner, despite that, the Petitioner filed a Revision Application which was rightly rejected on the ground that there was a material admission by the applicant/tenant while fixing the standard rent.

3. It is observed from the papers and proceedings that by Application dated 25th July 2012 for fixing standard rent, the Petitioner had in Prayer Clause (2) prayed as under :

“(2) The Interim rent of Rs.931/- of the said room may be decided till pending the said application and the Applicant should get the concession to pay the same in the Hon’ble Court.”

4. Based on the above Application, the trial Court had allowed the Application by passing the following order :

“१.अर्ज मंजूर करण्यात आला.

२. अर्जदाराने भाडे जागेचे भाडे दरमहा रु. ९३१/- निव्वळ भाडे म्हणुन सामनेवाल्यास अर्ज दाखल तारखेपासून द्यावे.”

5. The Revisional Court has considered the Application as well as the order of the trial Court and observed in paragraph 10 that fair rent has been fixed by the trial Court on the basis of admission given by the

Applicant. Paragraphs 10 and 11 of the said order are usefully quoted as under :

“10. On going through the material facts of the present dispute, it reveals that the fair rent fixed by the Ld. Trial Court appears to be based on admission given by the applicant as well as considering the present position of rental premises. The grievances ventilated by the applicant labelling it as exorbitant increase is nowhere proved by convincing evidence. The rent fixed after considering the say of both the parties by applying yard stick of present situation and the amenities provided to the tenant, appears to be just and proper. It is pertinent to note that the specific pleading with regard to the age of construction of the tenanted premises is important while seeking fixation of fair rent, as considered by our Hon’ble High Court in the case of Shantilal Shah vs. Secretary, Krishi Utpanna Bazar Samiti, Balapur, reported in 1995(2) Mh.L.J. 12.

11. In the case in hand, the photographs of building construction are produced on record without adducing or producing appreciable evidence of expert person. Therefore, their grievances on point of oldness of building or about its dilapidated condition are not sufficient to accept safely without convincing evidence. Thus, considering the evidence on record and the material admission given by the applicant/tenant while fixing the fair rent, I find no legal infirmity in the impugned judgment and order passed by the Ld. Trial Court. Section 8 of the Maharashtra Rent Control Act appears to be considered properly while passing the judgment and order. Thus, no interference is required. With this conclusion, I answer point no.1 in affirmative and point no.2 in negative.”

6. Having heard the learned Counsel and having perused the impugned order as well as the trial Court order and the Application as

well as the grounds, I am of the view that the Revisional Court has correctly rejected the Revision Application filed by the Petitioner holding that the fair rent fixed by the learned trial Court appears to be based on admission given by the Applicant.

7. There is no merit in the Petition. There being no illegality or infirmity or perversity or error in the order of the Revisional Court, no interference is called for. Petition, therefore, stands dismissed. Parties to bear their own costs.

(ABHAY AHUJA, J.)