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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.2240 OF 2019

Indian General Engineers Pvt. Ltd. ...Petitioner

V/s.

Cricket Club of India & Ors. ...Respondents

Mr.Maneesh Trivedi i/b L. R. & Associates for the Petitioner.

None for the Respondents.

CORAM : RAJESH S. PATIL, J.

DATE : 8TH APRIL, 2024.

P.C. :-

1. Mr.Trivedi holding for appearing for L. R. & Associates for the Petitioner submits that the firm would be filing the Vakalatnama on behalf of the Petitioner. Liberty as prayer for is granted.

2. This Writ Petition is filed by the original tenant challenging the order below Exhibit 29 passed by the Judge of the Court of Small Causes, Mumbai on 23 August 2015.

3. The Petitioner herein is the original Defendant No.1. R.A.E. eviction Suit No.498/804 of 2012 was filed against the Petitioner and five different parties. In the said eviction suit, an application was filed by the landlord seeking directions against Defendant No.1 to pay arrears of rent and property taxes. After hearing both the parties, the Judge of the Court of Small Causes, Mumbai passed the order dated 23 August 2017 and allowed the application of the landlord and directed Defendant No.1 to pay arrears of monthly rent, service tax and property taxes, amounting to Rs.30,87,591=19 ps, to the Plaintiff within two months.

4. The Petitioner herein (original Defendant No.1) did not pay the said amount as directed by the Judge of the Court of Small Causes, Mumbai, and being aggrieved, filed the present Writ Petition. There is no relief granted in this Writ Petition from the date of filing of the Writ Petition on 19 March 2018, till date. In fact the Petitioner has not taken any steps to move this matter before this Court.

5. I have heard Mr.Trivedi and have gone through the

impugned order. So also I have gone through the letter dated 14 August 2015, which is addressed by the landlord to the Petitioner (Defendant No.1), seeking payment of compensation amount along with municipal taxes, without prejudice to the rights and contentions of the parties. Mr.Trivedi has submitted that a sum of Rs.4,88,120/- has been paid by the Petitioner (Defendant No.1) to the landlord. He submits that rest of the amount has not been paid by Defendant No.1. He submits that Defendant No.1 is not liable to pay the municipal taxes and it is the duty of the landlord to pay such taxes and only thereafter it can be recovered from Defendant No.1.

6. I am not convinced with the argument made by Mr.Trivedi. The amount which are sought to be paid are without prejudice to the rights and contentions of the parties. The Petitioner (Defendant No.1) is in possession of the premises admeasuring 10,064 sq.ft. along with terrace of 112 sq.ft. It is the submission made in the form of pleading that Defendant No.1 has further sub-let the premises and is in arrears of rent and also challenged the ground of *bona-fide* requirement, as

been sought by the landlord.

7. No case is made out to interfere with the impugned order dated 23 August 2015, passed by the Judge of the Court of Small Causes, Mumbai.

8. The Writ Petition is dismissed. No costs.

(RAJESH S. PATIL, J.)