

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.17665 OF 2024

Prakash Kalidas Vithaldas
Bhavsar and Ors.

....Petitioners

V/s.

Mahesh Ramesh Mehta

.... Respondent

Dr. R.A. Thorat, Senior Advocate *i/b. Ms. Pratibha Shelke for the Petitioners.*

Mr. Abhijeet Joshi *i/b. Mr. Chaitanya R. Kulkarni for the Respondent.*

CORAM : SANDEEP V. MARNE, J.

DATED : 5 December 2024.

P.C.:

1) Petition challenges order dated 19 October 2024 passed by the Appellate Bench of the Small Causes Court rejecting Defendant's application at Exhibit-25 seeking permission to deposit rent during pendency of the Appeal.

2) Heard Dr. Thorat, the learned senior advocate appearing for the Petitioners and Mr. Joshi, the learned counsel appearing for the Respondent.

3) After having heard the learned counsel appearing for the parties, I am of the view that Defendants can be permitted to

deposit the rent in respect of the suit premises during pendency of the Appeal, without prejudice to rights and contentions of both the parties. Such deposit, if made by Defendants whether would amount to sufficient compliance under the provisions of Section 15(3) of the Maharashtra Rent Control Act, 1999 (**MRC Act**) would be decided by the Appellate Court on its own merits. However, I do not see any difficulty why Defendants cannot be permitted to deposit rent in respect of the suit premises during pendency of the Appeal .

4) Accordingly order dated 19 October 2024 passed by the Appellate Bench of the Small Causes Court is set aside. Application filed by the Defendants at Exhibit-25 is made absolute in terms of the prayers made therein. It is however, clarified that deposit of rent made in pursuance of this order shall not *ipso facto* be construed as compliance with provisions of Section 15(3) of the MRC Act.

5) Writ Petition stands disposed of.

[SANDEEP V. MARNE, J.]