

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 71 OF 2024

M/s. Bhimale & Sons & Ors.

..... Applicants

VERSUS

Moti Dinshaw Irani & Ors.

..... Respondents

Mr.P.S.Dani, Senior Advocate a/w. Mr.Prasad B.Kulkarni for the Applicants.

Dr.Ranjit Thorat, Senior Advocate a/w. Ms.Pratibha Shelke, Mr.Suryajeet Chavan for the Respondent Nos. 1 and 2.

CORAM: RAJESH S. PATIL, J.

DATE : 15 FEBRUARY, 2024

P.C. :-

This Civil Revision Application is filed by the original defendant nos.2 and 3 challenging the concurrent findings recorded by both the Courts on the ground of 'default'.

2. The notice of demand according to the respondent landlord is dated 19 January, 2010. A copy of the said notice is tendered across the bar by Mr.Dani, learned senior counsel appearing for

the applicants. According to Mr.Dani, there is no demand in the said notice against any of the party. He further submits that his clients are noticee no.2 and noticee no.3. He further submits that in the said notice, in paragraph no.6, there is a termination of the tenancy only against the noticee no.1.

3. The suit is filed amongst other grounds, on the ground of arrears of rent, under section 15 of the Maharashtra Rent Control Act.

4. I am of the opinion that the grounds to be made out for eviction under 'default' is that a demand notice of standard rent, permitted increase is necessary. After going through the said notice, I am of the view that no such demand notice was issued to the present applicants. Hence, this Civil Revision Application requires consideration.

5. Admit.

6. A soft copy of the R. & P. be sent by the Small Causes Court to the High Court within four weeks from today. The original R. & P. should be preserved by the Small Causes Court till further orders by this Court. The original R. & P. to be sent to the High Court when called for.

7. In the meantime, till the hearing and disposal of the civil revision application, there will be *ad-interim* relief in terms of prayer clause (b). The said prayer clause (b) reads as under :-

(b) Pending the hearing and final disposal of the present Writ Petition, the implementation, execution and operation of the impugned Judgment and decree dated 09/09/2014 passed in Civil Suit No. 195 of 2010 and impugned Judgment and Order dated 27.11.2023 passed by the Ad-hoc District Judge-4, in Regular Civil Appeal No. 560 of 2014 may kindly be stayed;

8. Dr.Thorat, learned senior counsel submits that according to his instructions, there are certain arrears to be paid by the applicants.

9. Mr.Dani on instructions from his clients agree that the rent and compensation, will be deposited in the Court of Small Causes, Pune within a period of eight weeks from today.

10. The applicants are directed to further deposit a sum of Rs.25,000/- per month on 10th day of each month from March 2024 till further orders of this Court in the Small Causes Court, Pune.

[RAJESH S. PATIL, J.]