



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

WRIT PETITION NO. 832 OF 2024

(DWARKADAS MADANLAL BAJAJ..VS.. SANJAY MADANCHAND KASHYAP)

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

Court's or Judge's orders

Shri N.G.Jetha, Advocate for Petitioner.

CORAM : ANIL S. KILOR, J.
DATED : FEBRUARY 08, 2024.

1. Heard.
2. The judgment and order dated 19/01/2024 passed by the Principal District Judge, Nagpur in Misc. Civil Appeal No. 06 of 2019 filed under Section 26A of the Provincial Small Causes Courts Act, 1887, rejecting the same with costs of Rupees Two Thousand and order dated 05/12/2019 passed below Exh.115 by the Principal Judge, Small Causes Court, Nagpur in Regular Civil Suit No.424 of 2014 rejecting the application, is under challenge in this writ petition.
3. The learned Principal District Judge rejected the appeal on the ground that it is not maintainable.
4. This matter pertains to landlord-tenant dispute and the suit was for recovery of possession filed by the respondent under Sections 15 and 16(1)(g) of the Maharashtra Rent Control Act, 1999, (hereinafter referred to as "the Act of 1999") wherein the plaintiff moved an application Exh.112 for fixation of the standard rent

under Section 8 of the Act of 1999. The petitioner could have argued the application and while arguing he had an opportunity to point out that the application is not maintainable. However, he moved an application for rejection of application Exh.112 on the ground that it is not maintainable. There was no need to move such application when the petitioner has an opportunity to raise that ground while arguing the application Exh.112. In the circumstances, I am of the opinion that no error has been committed by the learned Principal District Judge by rejecting the application Exh.115.

5. From the above referred facts, it is evident that just to delay the proceedings the petitioner, instead of arguing the application for fixation of the standard rent, filed application for dismissal of the said application. There is no such provision to file any such application. The petitioner has every right to oppose the application filed under Section 8 of the Act of 1999 on the grounds available to him, including the ground mentioned in the application Exh.115. However, the mode, which the petitioner had adopted is not permissible, as it would prolong the proceedings.

6. In the circumstances, I do not find any error committed by both the Courts below. Accordingly, the writ petition is **dismissed**. No order as to costs.

JUDGE