

Pramod Jayawant Kandpile ... Respondent

Mr. Santosh Parad, for the BMC.

further order dated 8th May 2025, the Sub Engineer, Water Works Department, 'T' Ward was directed to visit the suit premises and carry out the inspection, in the presence of the parties, and submit a report to the Court.

4. Pursuant to the aforesaid orders, the Sub Engineer, Water Works Department, 'T' Ward has submitted a report dated 8th May 2025. Copies of the said report are made available to the petitioner and respondent no. 1.

5. The situation which thus obtains is that, the Trial Court is yet to determine the prayer of the petitioner/tenant to direct the respondent/landlord to carry out the repairs and deduct the expenses from the rent.

6. In this view of the matter, it may not be appropriate for this Court to deal with the merits of the application seeking repairs, as a Court of first instance. It would be in the fitness of things that the Trial Court decides the said application on its own merits. However, since this Court had directed the concerned officer of the Municipal Corporation to inspect the suit premises and submit a report, the petitioner deserves liberty to place the said report before the Trial Court, and the Trial Court shall consider the same at the time of deciding the application (exhibit-49) which is subjudice.

7. Hence, the petition stands disposed in the following terms:

- a) The respondent / landlord shall file a reply to the application before the Trial Court on or before 17th June 2025, and furnish copy to the petitioner/tenant.

b) The learned Judge, Court of Small Causes seized with the said application (Exhibit-49) is requested to make an endeavour to hear and decide the said application as expeditiously as possible and, preferably, within a period of six weeks from 19th June 2025.

c) The inspection report submitted by the Sub Engineer, Water Works Department, 'T' Ward be placed on the record of the Trial Court, by the petitioner, and the said report shall be considered by the Trial Court in deciding the said application.

8. It is clarified that this Court has not entered into the merits of the matter and all the contentions of the parties are kept open for consideration.

(N.J. JAMADAR, J)