



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.11164 OF 2025**

Rajni William Menezes and Anr. ... Petitioners
versus
Pravin Virji Maru and Anr. ... Respondents

Mr. A.R.Pai i/by Ms. Prajakta Sringarpure, for Petitioners.

CORAM: N.J.JAMADAR, J.

DATE : 21 AUGUST 2025

P.C.

1. Heard the learned Counsel for the Petitioners.
2. The challenge in this Petition is to a judgment and order dated 23 July 2025 passed by the Appellate Bench of the Court of Small Causes in Revision Application No.59 of 2025, whereby the Revision Application preferred by the Petitioners – Defendant Nos.2 and 3 against an order passed by the learned Judge, Court of Small Causes in the application for rejection of the plaint (Exh.58) and the subsequent order dated 2 December 2024 (Exh.71) came to be dismissed.
3. Mr. Pai, learned Counsel for the Petitioners, submitted that both the Courts below have proceeded on a wrong premise and did not keep in view the requirement to succeed to the tenancy in respect of the commercial premises as provided under Section 7(15) of the Maharashtra Rent Control Act, 1999. Inviting the attention of the Court to the averments in the plaint,

especially paragraph Nos.5 and 6, Mr. Pai would submit that the Plaintiff has instituted a suit for declaration of tenancy with an assertion that after the death of Virji Padamji Maru, Devraj Gosar was not able to carry on the business and thereafter, the Plaintiff had been exclusively carrying on the business in the suit shop. This claim of exclusive possession of the suit shop implies that the Plaintiff had not been carrying on the business at the suit shop, with the tenant Devraj Gosar, at the time of his death, and, therefore, no amount of evidence can be adduced by the Plaintiff to substantiate the claim of tenancy.

4. The Courts below were not prepared to accede to the aforesaid contention on behalf of Defendant Nos.2 and 3 and, in the view of this Court, justifiably. It is trite, while considering the prayer for rejection of the plaint on the ground that it does not disclose the cause of action, the plaint is required to be read in a meaningful manner and not in formalistic manner. The plaint is required to be read as a whole. It is impermissible to dissect the sentences and words from the plaint to arrive at the conclusion as to whether it disclose the caution of action or not.

5. In the case at hand, from a meaningful reading of the plaint, and in particular paragraph Nos.5 and 6 of the plaint, it prima facie appears that the Plaintiff's case is that during the lifetime of Devraj and Virji, the Plaintiff has been doing the business which was carried on from the suit shop, since the

year 1971 onwards. The assertion in the plaint that Devraj was unwell and the Plaintiff was carrying on the business from the suit shop, purportedly exclusively, cannot be read torn out of context.

6. The essential controversy between the parties is whether the Plaintiff has acquired tenancy in respect of the suit premises. There are adequate averments in the plaint to sustain the cause of action. Whether the Plaintiff succeeds in establishing his claim is a matter for adjudication at the trial. The Courts below have thus taken a correct view of the matter. No interference is warranted in exercise of extra-ordinary writ jurisdiction.

7. The Writ Petition stands dismissed.

8. However, all contentions of all the parties are kept open and the Trial Court shall adjudicate the issues that arise in the suit on thier own merits and in accordance with law, without being influenced by any of the observations which were confined to test the legality and correctness of the impugned orders.

(N.J.JAMADAR, J.)