



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

WRIT PETITION NO.2095/2026

Smt. Anjanabai W/o Kesharao Raut Since Dead through Legal Heirs already
on record

Venubai W/o Pushparaj Meshram and others

...Versus...

Smt. Geeta Prabhakar Ramteke

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

Court's or Judge's orders

Mr. R.T. Anthony, Advocate for petitioners
Mr. S.D. Khatri, Advocate for respondent

CORAM : ROHIT W. JOSHI, J.

DATE : 08/06/2026

1. The present petition is filed in order to challenge the judgment and decree dated 04/09/2021, passed by the learned Additional Judge, Small Causes Court, Nagpur in Regular Civil Suit No.485/2013 and the judgment and decree dated 18/12/2025, passed by the learned District Judge-19 in Regular Civil Appeal No.171/2021.

2. The petitioners are legal representatives of original defendant. The respondent is the original plaintiff. The plaintiff had filed a suit for eviction and possession against the defendant under Sections 15 and 16(1)(j) of the Maharashtra Rent Control Act, 1999 (for short hereinafter "MRC Act") on the grounds of arrears of rent and *bona fide* need respectively.

3. Learned Additional Judge, Small Causes Court, Nagpur has passed a decree for eviction and possession in

favour of plaintiff under Section 15 of the MRC Act on the ground of arrears of rent. The case of *bona fide* need is rejected.

4. The defendant preferred appeal, challenging decree for eviction, which came to be dismissed by the learned first Appellate Court. The learned first Appellate Court has, however, confirmed the findings by the learned Trial Court with respect to *bona fide* need. Thus, the decree for eviction is passed against the defendant, the present petitioner under Section 15 of the MRC Act on the ground of arrears of rent. It is not in dispute that notice calling upon the defendant/tenant to clear the arrears of rent is issued on 15/11/2013 and the suit for eviction is filed on 07/12/2013.

5. Section 15 (2) of the MRC Act prohibits filing of the suit on the ground of failure to pay the rent till a period of 90 days expires from the date of service of a notice for demand for clearing the arrears of rent. In the present case, the suit is obviously filed before expiry of the said period of 90 days. The controversy is squarely covered by the decision of this Court in the case of *Jitendra s/o Vasantrao Nagarkar Vs. Mohanlal s/o Maluramji Agrawal*, reported in **2016 (6) Mh.L.J. 797**.

6. In view of the aforesaid, the decrees for eviction are clearly unsustainable and will have to be quashed and set aside. Writ Petition is allowed in the following terms :-

(i) The judgment and decree dated 04/09/2021, passed by the learned Additional Judge, Small Causes Court, Nagpur in Regular Civil Suit No.485/2013 and the judgment and decree dated 18/12/2025, passed by the learned District Judge-19 in Regular Civil Appeal No.171/2021

are quashed and set aside.

(ii) Regular Civil Appeal No.171/2021 is dismissed.

(iii) No order as to costs.

(ROHIT W. JOSHI, J.)

Wadkar