

[CNR NO. MHSCA2-001388-2019]

IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT - 16

IN

R.A.E. SUIT NO.722 OF 2019

Mrs. Kshama Haresh Mehta and Ors. ... Plaintiffs

V/s.

Mr. Mahesh Tribhuvan Chauhan ... Defendant

Appearance:-

Mr. S. K. Vyas, Ld. Advocate for the plaintiffs

Mr. Rupesh S. Karia, Ld. Advocate for the defendant

**Coram : S.G. Kore, Judge,
Court Room No.15,
Date : 10.02.2025**

ORDER:-

The defendant has filed the application for deposit of rent.

2. Brief facts of the application is as under:-

The suit is filed for eviction. The last rent paid by the defendant to the plaintiff was @ Rs.753/-. No prejudice will be caused to the plaintiff if the defendant permitted to deposit the arrears of rent in the Court for the period from April 2014 to December 2022 at the rate as per the statement annexed with the application and further permitted to deposit the amount of rent @ Rs.753/- per month from January 2023 and continue to deposit the same. Therefore requested to allow the application.

3. The plaintiffs have resisted the application by filing say at Exh.17. The application is absolutely frivolous and dishonest. The

arrears of rent is not a ground of eviction in the suit and if at all the defendant wanted to pay rent, he could have done during the pendency of the suit right from 2019 onwards. According to the plaintiff, the arrears of rent including all permitted increases upto 31.01.2023 would be Rs.90238/- as per the statement Exh.I. Therefore requested to reject the application.

4. The defendant has filed rejoinder at Exh.18 and denied the contentions in reply.

5. Perused the application and the say. Heard the learned advocates for the respective parties at sufficient length. The defendant is seeking liberty to deposit arrears of rent in the Court for the period from April 2014 to December 2022 at the rate as per the statement annexed with the application and further permitted to deposit the amount of rent @ Rs.753/- per month from January 2023 and continue to deposit the same till final disposal of the suit. The suit is not filed on the ground of arrears of rent. Therefore objection taken by the plaintiff disputing rent cannot be taken into consideration. In view of the fact and situation, the application deserves to be allowed without prejudice to the rights of the parties. Hence, I pass the following order.

ORDER

- 1) The application is allowed.
- 2) The defendant is permitted to deposit the arrears of rent from April 2014 to December 2022 at the rate as per the statement annexed with the application and further permitted to deposit the amount of rent @ Rs.753/- per month from January 2023 to February

2025 on or before next date without prejudice to rights of the parties.

- 3) The defendant shall deposit the future rent from March 2025 onwards on or before 10th day of each succeeding month @ Rs.753/- per month till final disposal of the suit.

Mumbai
Date : 10.02.2025

(S. G. Kore)
Judge, C.R. No.15