

**IN THE COURT OF SMALL CAUSES AT MUMBAI**  
**ORDER BELOW EXHIBIT -26**  
**IN**  
**R.A.E. & R. SUIT NO. 690/1101 of 2013**

1) Cowasjee Dinshaw Trust Public Trust & Ors. ...Plaintiffs

V/s.

1) Under Secretary Govt. of Maharashtra & Ors. ...Defendants

Shri. J.P. Thakkar : Advocate for plaintiffs.  
Shri. D.J. Walavalkar : Advocate for defendant No.2 & 3.

**Coram : R.S.Rote,**  
**Judge, C. R. No. 6**  
**Date : 20.06.2017**

**ORDER:**

1. The defendant No.3 has filed application for condonation of delay and for permission to deposit rent.
2. Perused application and say.
3. Heard learned advocate for the defendant No.3 and learned advocate for the plaintiffs.
4. It is submitted on behalf of defendant No.3 that defendant No.3 is depositing rent @ Rs. 1705/- p.m. as per order dated 29.07.2016. Due to internal transfer in department, concerned officer Mr. A.A.Shaikh was transferred from this office to Nanded Division. Therefore, additional charge was handed over to him in

the month of December 2016. In the month of February 2017, when deed was sanctioned by account department at that time he went to deposit amount in the court but concerned officer refused to accept as the rent of January 2017 is not deposited, therefore defendant No.3 constrained to file this application. Defendant No.3 prays that he may be permitted to deposit monthly rent from January 2017 till date.

5. It is submitted on behalf of plaintiff that defendants are defaulter in payment of arrears of rent. Defendant No.3 has no locus standi to bifurcate his portion of the suit premises. Therefore, defendant No.3 may not be allowed to deposit arrears of rent.
6. I have gone through the record, it appears that defendant No.3 has filed application at **Exhibit – 21** for depositing rent in the court. My learned predecessor passed order on 29.07.2016 and allowed defendant No. 3 to deposit arrears of rent.
7. According to the plaintiff, defendant No.3 has no right to deposit and he is defaulter. In my opinion, it will be decided on merit whether defendant No.3 has right to deposit or not or whether defendant No.3 has committed default in payment of arrears of rent. I therefore hold it will be proper to allow the defendant No.3 to deposit arrears of rent as prayed. **Hence the order.**

**ORDER**

Defendant No.3 is allowed to deposit arrears of rent as prayed.

**Mumbai.**  
**Date : 20.06.2017**

**[R.S.Rote]**  
**Judge, C.R. No.6**  
**20.06.2017**

Dictated directly on :20.06.2017  
Checked & signed on :22.06.2017