

CNR NO.MHSCA -20023752022

IN THE COURT OF SMALL CAUSES, AT MUMBAI

Order below Exhibit No. 32

IN

R.A.E. Suit No. 1277 of 2022

Mr. Vijay Anant Nagwekar & Ors. ... Plaintiffs

Versus

Santosh Dhuri & Ors. ... Defendants

S.J. Dhuri, Ld. Advocate for the Plaintiffs.

Khan Javed Akhtar, Ld. Advocate for the Defendant No. 1.

Coram : Smt. R.M. Chavan,
Judge, C.R. No.14
Date : 15.04.2025.

ORAL ORDER :

The present application is filed by defendant no. 1 to permit him to deposit the arrears of rent @Rs.1,000/- from September, 2022 to July, 2024 and permit him to continue to deposit the rent @Rs.1,000/- per month.

2. By filing say the plaintiffs objected the application and submitted to the orders of the Court.

3. Heard both sides. Gone through the record.

4. As per Sec.15 of the Maharashtra Rent Control Act, 1999, there can be no ejectment, if the tenant pays or is ready and

willing to pay standard rent and permitted increases.

5. Here, in this case it appears that the arrears of rent is not the ground of eviction. The plaintiffs are not disputing the rate of rent as mentioned in the application. Defendant nos. 2 to 9 affidavit of evidence the co-owners. According to them, they are the landlords and let out the suit premises to defendant no. 1. They also agreed the rent is of Rs.1,000/- per month. So, at present the agreed rate of rent is to be considered as Rs.1,000/- per month.

6. There appears dispute between the co-owners, however, tenancy of defendant no. 1 is an admitted fact in respect of the suit premises. To show bonafides defendant no. 1 is depositing the said amount in the Court to get protection under Section 15(3) of the Maharashtra Rent Control Act, 1999.

7. It is pertinent to note that the tenant can pay the rent without prejudice to his rights. As there is dispute between the co-owners, it is not appropriate to pass the order regarding withdrawal of the amount.

8. Hence, the application deserves to be allowed without prejudice to the rights of the parties. Thus proceed to pass the following order :-

ORDERs

1. The application (**Exhibit-32**) is allowed in following terms :-
 - i) Defendant no. 1 do pay the arrears of rent @Rs.1,000/- per month from September, 2022 to April, 2025 within one month from the date of this order.

- ii) Defendant no. 1 do pay future rent from 01.05.2025 at the said rate till final disposal of the suit on or before 10th day of each calendar month.

[R.M. Chavan]

Judge, [Court Room No.14]
Court of Small Causes, Mumbai.

Date : 15.04.2025.