

IN THE COURT OF SMALL CAUSES AT MUMBAI
(BANDRA BRANCH)

ORDER BELOW EXHIBIT – 19

IN

R. A. E SUIT NO. 95 OF 2023
(CNR No.-MHSCA-30011952022)

Mr. Vinaykumar Prempyarelal Sadh ...Plaintiff

Versus

Mr. Haresh Chunilal Rathod ...Defendants

Appearance:-

Mr. Jaysh Thakor Bhai Patel, Advocate for defendants.

Mr. Shravan M. Vyas, Advocate for plaintiff.

Coram :- Syed L. B. M. M. A.
Judge,
C .R. No. 35 [B.B.]
Date :- 23rd June, 2025.

ORDER :

By way of this application, the applicant/defendant prays to allow him some time to pay the rent amount of Rs.80,563/- alongwith future rent, taxes, permitted increases, etc. at the rate of Rs.724/- per men-sem.

2. The applicant submits that he met with an accident and sustain fracture on his leg and therefore he was bedridden. His brother Mr. Naresh was also suffering from the ailments of heart. His family members was in continuously follow up with various doctors for the purpose of his treatment. His brother expired on 22.11.2024. For the

above reasons, there was huge financial crunch in his family, therefore, he could not deposit the rent amount as directed by this court. He submits that he is ready and willing to deposit the amount, but the circumstances are beyond his control. Therefore, he prayed for allow some time to deposit the rent amount as per order dtd. 06.07.2023. He further prays that he may be allowed to deposit the amount well in advance for six months or twelve months as per his convenience.

3. Lamenting upon the said application, the plaintiff has filed his say on the overleaf of the application and submitted that the applicant/defendant has not annexed any document in support of his contention. The present application is not maintainable and is baseless, unwarranted and therefore liable to be rejected.

4. Heard learned advocate for plaintiff. Learned advocate for defendant is absent, therefore the present application is taken to be decided on it's merit. Perused the record and proceeding. Admittedly this court has passed an order below Exhibit-12 on 06.07.2023, thereby, directed the defendant to deposit the rent for the period from 01.04.2009 to 31.03.2022 total aggregating amount of Rs.80,563/- in the court on or before next date without prejudice and contentions of both the parties. It was expected on the part of defendant to deposit the said amount as directed by this court. It appears from the record that the defendant has failed to deposit the said amount. Again on 13.08.2023 he moved another similar application praying to deposit the said rent amount which also came to be granted by an order dtd. 13.12.2023. The defendant has not obeyed the said orders in true spirit and again he had moved the present application on the same ground having the same prayer again. There is huge gap since the passing of

order below Exhibit-13 and 15 respectively. Already sufficient opportunities were granted to deposit the said amount, but the defendant has utterly failed to do so. The present suit is stuck at stage stage for depositing rent. It was expected from the defendant to file the documents in the shape of medical certificate.

5. During the dictation of the present order, learned advocate Mr. Jayesh Patel appearing before the court. Also heard learned advocate Mr. Jayesh Patel extensively by giving sufficient opportunity of hearing.

6. The defendant/applicant has disobeyed the earlier order passed below Exhibit-12 and again moved an application Exhibit-15, ultimately it was also allowed but he has also failed to comply the said order. Therefore, there is no merit in submissions made in the application justifying time to be granted to him to deposit the rent amount in the court. Therefore, the application is sans narrate and liable to be rejected. Therefore, I pass the following order.

ORDER

1. The application is rejected.
2. The cost in to cause.

Date : 23.06.2025

(Syed L. B. M. M. A.)
Judge, C.R. No. 35(B.B.)

order dictated on computer: 23.06.2025
order checked & signed on: 23.06.2025