

DECREE
R.A.E. Suit No. 454 of 2022.
(CNR No.- MHSCA30011872022)
IN THE COURT OF SMALL CAUSES AT MUMBAI
(BANDRA BRANCH)

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Exh. 31
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R.A.E SUIT NO 454 OF 2022

1. **Ketan Hariprasad Shah**]
Age : 61 years, Occ :- Business]
2. **Shailesh Hariprasad Shah**]
Age: 64 years, Occ: Self occupied]
3. **Dilipkumar Hariprasad Shah**]
Age: 58 years, Occ: Estate Consultant]
Having address at Bungalow No. 195,]
Bapulal Bhavan, Bhailal Road,]
Cross Mahant Galli, Malad (West),]
Mumbai- 400064.]
Email Id: hiteshkin@gmail.com]
Phone No: 9029258171]....Plaintiffss

Versus

Shri. Shashikant Mohanlal Doshi,]
Age: Adult, Occupation: Business]
Residing at C/16, 1st Floor,]
Shiv Darshan Apartment,]
Opp. S.V.P. Garden, Off]
Shankar lane, Kandivali (West)]
Mumbai - 400067.].Defendant

Filed under Section
16(1)(n) of the
Maharashtra Rent
Control Act, 1999

Annual Rack Rent: Rs.
4176/-



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THE PLAINTIFFS ABOVE NAMED STATES AS UNDER

1. The Plaintiffs states they are the co-owners and landlords of the building Bapulal Bhavan, situated at the Bhailal Cross Road, Mahant Gully, Malad (West) Mumbai 400064 bearing C.T.S. No. 821, Village (Malad) (South), District Borivali, Suburban Mumbai. The Defendant is the tenant of the Premises situated at Shop No. 4, Ground Floor (Godown), Bapulal Bhavan Bhailal Cross Road, Mahant Gully, Malad (West) Mumbai 400064 admeasuring 450 sq. ft. situated at C.T.S. No. 821, Village (Malad) (South) District Borivali, Suburban Mumbai. Hereinafter referred to as the '**Suit Premises**'. The monthly rent of the Suit Premises is Rs. 348/- inclusive of permitted increases and other taxes. *Plaintiffs crave leave to refer to & rely upon the property card when produced.*

2. The boundaries of the Suit Premises are:

On or towards East Side: Bhailal Road

On or towards West Side: Boundary wall of the Property

On or towards North Side: Mahant Gully

On or towards South Side: Shop

3. The Plaintiffs state that the Suit Premises was let-out to the Defendants for commercial purposes and initially the Defendant was using the Suit Premises for storing the cardboard (putthas). The Plaintiffs states that the Defendant would hire tempo/trucks and used to dump the cardboard at the Suit Premises by loading and unloading the cardboard at odd hours in the afternoon and night causing serious nuisance and annoyance to the other tenants. The Plaintiffs state due to the unhygienic conditions in which the cardboard were dumped, the Suit Premises became a



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host for rodents who extensively damaged the Suit Premises. The Plaintiffs state that a lot of white ants have also developed on the walls of the Suit Premises due to the unhygienic storing of the card board boxes and they have damaged the wooden beams by eating them. The Plaintiffs state that the Defendant has utterly neglected and kept the Suit Premises in a ruinous condition. The Plaintiffs state that because of the non-user of the Suit Premises termites have developed on the walls of the Suit Premises. Moreover, roof of the Suit Premises has also been damaged due to which wild shrubs, trees, creepers have grown in the Suit Premises making it a host to small wild animals. The Plaintiffs state that apart from non-user of the Suit Premises, the Defendant was also in arrears of rent. The Plaintiffs state that being aggrieved, the Plaintiffs filed a RAE Suit bearing No. RAE & R Suit No. 332 OF 2011 in this Hon'ble Court seeking relief against the Defendant on grounds other than the grounds taken in the present Suit.

4. The Plaintiffs state that during the pendency of Suit, the Defendant kept the Suit Premises unused and locked. And as such, has allowed the condition of the Suit Premises to deteriorate and fall in disarray. The Plaintiffs state that the Defendant has not been using the Suit Premises and has kept the same locked without any reasonable cause for a continuous period of more than six (6) months preceding the date of filing of this Suit. **The Plaintiffs crave leave to refer to and rely upon the photographs clicked by the photographer Shweta Photo Studio of the Suit Premises when produced.** The Plaintiffs State that the Defendant is therefore liable to be evicted under Section 16 (1)(n) of the Maharashtra Rent Control Act, 1999.
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5. The Plaintiffs state that it is evident that the Defendant does not require the Suit Premises for his own use and has not been using the same for the purposes for which it was let out for a period of more than 6 (six) months preceding the date of the Suit. It is therefore just, necessary and in the interest of justice, that the Hon'ble Court be pleased to pass an Order and Decree against the Defendant and order the Defendant to quit, vacate and handover the quiet, vacant and peaceful possession of the Suit Premises viz. Shop No. 4, Ground Floor (Godown), Bapulal Bhavan, Bhailal Cross Road, Mahant Gully, Malad (West) Mumbai 400064 admeasuring 450 sq. ft to the Plaintiffs.

6. The Plaintiffs further state that a few brokers have approached him and enquired about the Suit Premises being let out to third party. The Plaintiffs state that this has created an apprehension in the mind of the Plaintiffs that the Defendant is intending to create a third party right and incur profits thereon in the Suit Premises. The Plaintiffs state that with a view to avoid multiplicity of proceedings, it is just, proper, necessary and in the interest of justice pending the hearing and the final disposal of the Suit, the Hon'ble Court be pleased to pass an order and injunction restraining the Defendant and/or its partner and/or servant and/or agent and/or successors and/or assigns and/or representatives and/or any person/s claiming by, through and/or under him from dealing with, in any manner whatsoever, to disposing of, transferring, alienating, encumbering and/or parting with the possession and/or creating any third party right, title or interest in respect of the Suit Premises and part thereof, in whatsoever manner.

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7. The Plaintiffs state that the Suit Premises is situated at a prime locality with market, school, colleges, malls, railway station at a distance of 1 km from the Suit Premises and will definitely fetch a Mesne Profit of Rs. 50,000/- per month. Considering the market rate, the Plaintiffs is entitled for the mesne profit from the date of filing of the Suit. The Hon'ble Court be pleased to pass an Order to hold an enquiry of mesne profit under Order XX Rule 12 of Code of Civil Procedure, 1908 and direct the Defendant to pay the same from the date of filing of the Suit till the delivery of possession of the Suit premises.
8. The Plaintiffs state that the Suit is between the Landlord and the tenant, and in the city of Mumbai, hence this Court has exclusive jurisdiction to try and entertain the Suit.
9. The Plaintiffs states that the Suit is not barred by the law of limitation & the same is filed u/s 16(1)(n) of Maharashtra Rent Control Act, 1999 and Section 108(o) of the Transfer of Property Act, 1882.
10. The Plaintiffs state that the Suit Premises do not fall under the Maharashtra vacant Land Act and Maharashtra Slum Act.
11. The Plaintiffs states that there is no other suit filed by the Plaintiffs against the Defendant for the same cause of action.
12. The Plaintiffs values the present suit as the annual rack rent of **Rs. 4176/-**

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and has accordingly paid the court fees under the section 6(xii)(d) of the Maharashtra Court Fees Act of Rs. 584 /-. An 89
The Plaintiffs undertakes to pay the deficit amount of the stamp duty, if any. 7

13. The Plaintiffs hereto relies upon the documents, a list whereof is annexed herewith.

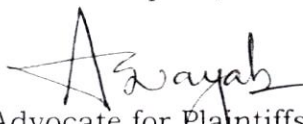
14. **The Plaintiffs therefore prays that:**

- a. This Hon'ble Court be pleased be pleased to pass an Order and Decree against the Defendant and order the Defendant to quit, vacate and handover the quiet, vacant and peaceful possession of the Suit Premises viz. Shop no. 4, Ground Floor (Godown), Bapulal Bhavan, Bhailal Cross Road, Mahant Gully, Malad (West) Mumbai 400064 situated at C.T.S. No. 821, Village (Malad) (South), District Borivali, Suburban Mumbai admeasuring 450 sq. ft to the Plaintiffs.
- b. This the Hon'ble Court be pleased to pass an order of injunction restraining the Defendant and/or its partner and/or servant and/or agent and/or successors and/or assigns and/or representatives and/or any person/s claiming by, through and/or under him from dealing with, in any manner whatsoever, to disposing of, transferring, alienating, encumbering and/or parting with the possession and/or creating any third party right, title or interest in respect of the Suit



Premises and part thereof, in whatsoever manner.

- c. The Hon'ble Court be pleased to pass an Order to hold an enquiry of mesne profit under Order XX Rule 12 of Code of Civil Procedure, 1908 and direct the Defendant to pay the same from the date of filing of the Suit till the delivery of possession of the suit premises.
- d. Interim and ad-interim reliefs in terms of prayer clause (b);
- e. that the cost of the suit be awarded;
- f. that such other and the further reliefs, as the nature and circumstances of the case may require, be awarded.


Advocate for Plaintiffs

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Plaintiffs No. 1 for Self
A C.A. of 2 & 3



VERIFICATION

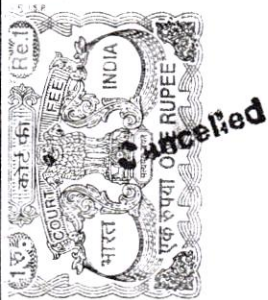
I, Hiteshkumar Ketan Shah Age: 35 years, Occ.: Service, Adult of Mumbai Indian Inhabitant the Constituent Attorney of the Plaintiff No.1 herein states that whatever is stated in the foregoing paragraphs no.1 to 7 of the Plaint are true to my own knowledge and remaining paragraphs are the legal submissions and same are as per the information, I believe the same to be true and correct.

Solemnly declared at Mumbai,

Dated this 21st day of September, 2022) Before me,

Identified by me,

Azayab
Advocate for the Plaintiffs



4931

Solemnly affirmed before me

Hiteshkumar Ketan Shah 35 yrs
Service of Plaintiff

Who is identified before me by

Ac no 4301 4218 9857

whom I Personally know

This 21st day of Sept 2022

(JC/TI/Supdt.)
Small Causes Court
Mumbai 400 002

Per

Serv. Originals to be forwarded to Authority Letter

For Board of Resolution dated 16.09.22

to be in the Deponent's & Retaining



IN THE COURT OF SMALL CAUSES AT MUMBAI

BANDRA BRANCH

DECREE

**R.A.E. Suit No. 454 of 2022.
(CNR No.- MHSCA30011872022)**

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1. Ketan Hariprasad Shah and Ors.

.. Plaintiffs.

Versus

Shashikant Mohanlal Doshi

.. Defendant.

Appearance

Mr. A. G. Nayak, ...Ld. Advocate for plaintiffs.

Mr. N. H. Pathak, ...Ld. Advocate for defendant.

**Coram: L. B. M. M. A. Syed
Judge, C.R. No. 35.**

Date : 06th May, 2026.

Claim : Rs.4176/-

This suit came on board on this 06th May, 2026 for hearing and final disposal before the Hon'ble Judge L.B.M.M.A. Syed, presiding in the Court Room No. 35 in the presence of Mr. A. G. Nayak, Ld. Advocate for the plaintiffs and Mr. N. H. Pathak, Ld. Advocate for defendant. It is ordered that,

ORDER

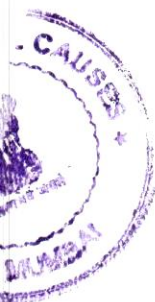
1. The suit is decreed with costs.
2. The defendant is ordered and directed to quit, vacate and handover the vacant and peaceful possession of suit premises viz., Shop No.4, Ground Floor (Godown), Bapulal Bhavan Bhailal Cross Road, Mahant Gully, Malad, (West) Mumbai 400064, situated at C.T.S. No.821, village (Malad) (South), District Borivali, Suburban Mumbai, admeasuring 450 sq. ft. to the plaintiffs within sixty days from the date of judgment.
3. An inquiry into future mesne profits be conducted under Order XX Rule 12 of the Code of Civil Procedure, 1908 from the date of judgment and decree till actual delivery of possession of the suit premises to the plaintiff.

sd/

(L.B.M.M.A. Syed)

Judge, C.R. No. 35 (BB)

Date : 06.05.2026



IN THE COURT OF SMALL CAUSES AT MUMBAI**BANDRA BRANCH****R.A.E. Suit No. 454 of 2022.****(CNR No.- MHSCA30011872022)****BILL OF COST**

				Plaintiff		Defendant	
				Rs.	Ps.	Rs.	Ps.
1	Stamp on Plaint	...	...	584	00	00	00
2	Stamp on S.V.	...	...	10	00	10	00
3	Stamp on Applications/Exhibits	...	...	15	00	00	00
4	Pleader's Fee	...	...	258	80	258	80
5	Commissioner's Fee	...	...	00	00	00	00
6	Subsistence of Witness	...	...	00	00	00	00
7	Service of Process	...	...	5	00	00	00
TOTAL				872	80	268	80

Given under my hand and seal of the Court.

This 06th day of May, 2026.


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

Prepared by : Shri. A. G. Gade, Clerk-Typist.

Verified and checked by : Shri. R. S. Tupe, Judicial Clerk.

Advocate for plaintiffs : Mr. A. G. Nayak.

Advocate for Defendants : Mr. N. H. Pathak.

