

ORDER BELOW EXH.15.

(Dated 4/10/2016)

The present application is filed by plaintiff under Order-15-A(a), of Civil Procedure Code for direction to defendant to deposit amount of Rs. 17,600/- for a period 1-4-2012 to 31-7-2013 for 16 months and direction to deposit the amount of Rs. 22,000/- towards the damages equivalent to agreed Rent @ Rs. 1100/- per month for 16 months for a period w.e.f. 1.8.2013 to 31.3.2015 and direct the defendant to deposite the monthly amount damages at the rate of rent payable to the plaintiff till final disposal of present suit.

It is submitted by plaintiff that plaintiff is a public trust registered under Bombay Public Trust Act, 1950. The plaintiff trust filed this suit for ejection, possession, arrears of rent and mesne profit as provided under Maharashtra Rent Control Act.

2] Heard Ld. Advocate Shri Kindarlay for plaintiff and Ld. Advocate Shri Talmale present at the time of hearing but not strongly opposed to the said application and not file say. This is a suit for ejection, possession, arrears of rent and mesne profit, the defendant nowhere disputed that he had not enter with an agreement of rent of Rs. 1100/- per month with the plaintiff. Admittedly defendant did not deposite amount of rent from 1-8-2013 till today.

3] Under order 15-A(a) of Civil Procedure Code, court has power to direct the defendant to deposite the rent both the past and future and in the event of any default in making such payment, the court may strike off the defence.

4] On considering the application and submission of Advocate it is shown that defendant is legally bounded through the deposit amount of Rs. 2200/- towards the damages equivalent to agreed rent @ Rs. 1100/- from 1.4.2012 to 31.7.2013. Defendant not filed his say and not opposed to present application, the present application is pending from 20-4-2015 but defendant not filed his say till today, on 17-8-2016. The defendant filed pursis on 17-2-2016 therein stated that he has failed 6,600/- towards rent against him, it is admitted by plaintiff. defendant orally submitted that, he is ready to pay amount of rent for 20 months w.e.f. 1.4.2012 to 31.7.2013. Defendant filed pursis at **Exh.16** on 24-8-2016 therein stated that he has paid rent amount Rs. 12,100/- for the month of 1-4-2014 to 31-3-2015 by cheque bearing No. 068510 (Union Bank of India, Nagpur Branch) but there is no sufficient amount so that cheque is bounce. Hence, I proceed to pass the following order :

ORDER

- 1] Defendant is directed to deposit the amount of Rs. 11,000/- for period from 1-4-2012 to 31-7-2013 for 16 months within a period of two months from this order.
- 2] Defendant is directed to deposit the amount of Rs.22,000/- towards the damages equivalent to agreed rent @ Rs. 1100/- per month for 20 months for a period w.e.f.1-8-2013 to 31-3-2015 within a period of two months from this order.
- 2] The defendant also directed to deposit monthly amount of damages at the rate of rent payable to plaintiff trust till final disposal of suit.

kuhi.
Date – 4/10/2016

(G.C.Fulzalke)
Jt. Civil Judge Jr. Dn.,Kuhi.