

ORDER BELOW EXH.51

**01.** This is the application filed by the defendant thereby contends that application for fixation of standard rent filed at Exh.11 is pending. The court has fixed interim standard rent but final standard rent is to be fixed after the evidence is led thereon. It is further contended that it will not be proper to consider the interim standard rent throughout the hearing of the suit which will cause prejudice to the defendant. Therefore, it is urged to keep the application (Exh.11) for the stage of evidence in order to determine standard rent.

**02.** The learned advocate Mr. Jagtap appearing for the plaintiff has filed say on the application itself. As per say of the plaintiff, the defendant has moved application (Exh.11) and thereafter, similar application (Exh. 39). The court has rejected both the applications after hearing thereon. It is further contended that the defendant has challenged the order passed below Exh.11 by filing revision before the Hon'ble District Court, Khed which also came to be rejected. The defendant is just playing delay tactics by filing such applications. Therefore, it is urged for rejection of the application.

**03.** Perused the averment of the application under consideration as well as application at Exh.11 and order passed thereon and also application Exh.39. Heard learned advocates appearing for respective parties.

**04.** It is pertinent to note that after a long delay and when hearing of the suit is already commenced the plaintiff by filing such application seeking mini trial to determine standard rent. The court has

already fixed interim standard rent at Rs.8,000/- per month. It is pertinent to note that the revision filed by the plaintiff challenging the said order has been rejected. The true copy of the order of Hon'ble District Court is on record at Exh.41. It was a review petition filed under Order 47 Rule 1 of the Code of Civil Procedure. The review petition came to be dismissed on the ground of maintainability. However, there is nothing on record that the defendant has exhausted any other remedy available to him.

**05.** The suit is pending for cross-examination of power of attorney of the plaintiff namely Ashrita Sachin Kolwankar. An inquiry into determination of standard rent and trial of the suit cannot be conducted simultaneously. It is pertinent to mention that application (Exh.11) for determination of interim standard of rent is already decided. The defendant is directed to deposit interim standard rent Rs.8,000/- per month in the court. However, the defendant failed to comply the said order. Having regard to above observation, I come to the conclusion that the application under consideration is liable to be rejected. Hence, the following order:

**ORDER**

1. Application **Exh.51** is rejected.

**Date : 13.08.2025**

**(Sanjay M. Chavan)**  
Jt.Civil Judge Junior Division,  
Khed, Dist.Ratnagiri.

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CERTIFICATE

Case No.	:	R.C.S.No.23/2013
I affirm that the contents of this pdf file order are same word as per original Judgment/order.		
Name of Stenographer	:	Smt. S. J. Salunkhe
Court Name	:	Jt. C.J.J.D. & J.M.F.C. Court, Khed.
Date of Decision	:	13.08.2025
Judgment/Order signed by Presiding Officer on	:	13.08.2025
Judgment/Order uploaded on	:	18.08.2025