

IN THE COURT OF SMALL CAUSES AT MUMBAI**ORDER BELOW EXHIBIT 11
IN
R.A.D. SUIT NO.185 OF 2018
(CNR NO. : MHSCA2-000091-2018)**

Mr. Stephen Harry Dass

...Plaintiff

V/s.

1. Mr. Mustafa Edris Pardawala and ors.

...Defendants

**Coram : Smt. S. R. Shinde, Judge,
Court Room No.15,
Date : 14.11.2018**

ORAL ORDER :

Perused the application. This is plaintiff's application for permission to deposit a sum of Rs.9,095/- towards rent from 01.04.2009 to 31.02.2018 at the rate of Rs.85/- per month and sum of Rs.850/- by way of rent from March, 2018 to December, 2018 and future rent every month.

2. Defendant No.3 has filed purshis at Exh.18 informing that his written statement be treated as a reply to application for deposit of rent.

3. Heard plaintiff's advocate. Advocate for defendant No.3 remained absent. So far as defendant No.3's objection / defence that plaintiff has surrendered tenancy rights in respect of suit premises is concerned, that can be adjudicated after going through the trial. At this

stage, there is no document produced on record in respect of surrender of tenancy rights by the plaintiff. Considering plaintiff's averment, I find that plaintiff is entitled to deposit rent of suit premises in the Court without prejudice to the rights and contentions of defendants and pass following order :

ORDER

- 1) Plaintiff is permitted to deposit sum of Rs.9,095/- towards rent of suit premises from 01.04.2009 to 31.02.2018 at the rate of Rs.85/- per month and sum of Rs.850/- by way of rent from March, 2018 to December, 2018, within one month from date of order, without prejudice to the rights and contentions of defendants.
- 2) Plaintiff is permitted to deposit rent of the suit premises at the rate of Rs.85/- per month from January, 2019 on or before 10th date of each month as per British calender, without prejudice to the rights and contentions of defendants.

(S. R. Shinde)
Judge, C.R.No.15
14.11.2018

Dictated on : 14.11.2018
Transcribed on : 14.11.2018
Checked & signed on : 14.11.2018