

Presented on :	21.03.2025
Registered on :	21.03.2025
Decided On :	22.09.2025
Duration :	00Y06M01D

IN THE COURT OF COMPETENT AUTHORITY RENT
CONTROL ACT, KONKAN DIVISION, AT-MUMBAI.
(Presided over by Smt. P. A. Rajput)

EVICTIION APP. NO. 72 OF 2025

Exh.12

Rakesh Dharmshil Arora

Age 68 Years, Occupation: Retired

R/o : C-53, Dumubai CHS Ltd

Behind Right Choice Hotel,

Dahisar West Mumbai Mumbai-400068

...Applicant

VERSUS

Mevalal Chaurasiya

Currently Residing at- Flat No.101,

1st Floor, Sonam Apartment CHS Ltd,

Carter Road No.3,

Borivali East, Mumbai-400066

...Respondent

Application Under Section 24 Of The Maharashtra Rent Control Act,

1999

Appearance

.....
M/s Legal Vision for the applicant

None for the Respondent.
.....


02/09/25

J U D G M E N T(Delivered on 22nd day of September, 2025)

This is an application filed under Section 24 of Maharashtra Rent Control Act 1999 (Herein after referred as MRC Act) for seeking Eviction, arrears of license fees and damages.

2. As per the submission of the applicants that, he is the owner of application premises. He has given this premises on Leave and License basis to respondent. Applicant states that post execution of the said Leave and License Agreement for few months only the monthly compensation was paid by the respondent however, thereafter respondent has started defaulting in making payment of monthly compensation due and payable as per the said Leave and License Agreement. The applicant issued termination notice dated 14.02.2025 to the respondent. Thereafter the period of leave and license is terminated by efflux of time on 14.04.2025. however, the said notice is duly served upon respondent but the respondent has not vacated application premises. Hence this application is came to be filed.

The necessary details of the application premises are as under:

A] The description of premises mentioned in application :

“Flat No.101, Built Up:350 Sq.ft., situated on the 1st Floor of building known as Sonam Apartment CHS Ltd, standing on the plot of land bearing C.T.S. Number 360, 360/1 to 360/3, 361, Village Kanheri, Carter Road No.3, O.P. and F.P no. 56, T.P.S. II, Borivali East, Mumbai-400066”

B] The period and details of leave and license agreement :

I] **Period-** 11 months commencing from 15.04.2024 and ending on 14.03.2025.

II] **Fees and Deposit** – Rs.15,000/- per month as a license fees for

24/9/25

& Rs.50,000/- interest free refundable deposit.

3. The respondent is served with notice as contemplated under section 43 (2) (3) of MRC Act. He failed to appear before this Authority. Hence, the matter is heard and taken up for decision.

4. After going through entire documents and claim, following points are arise for my consideration. I have recorded my findings there on, which follows my reasoning. 4.

Sr.No.	Points	Findings
1	Whether the applicant is a landlord of application premises?	Yes
2	Whether there is leave and license agreement between applicant and respondent in respect of application premises?	Yes
3.	Does the Leave and License is properly terminated?	Yes.
4.	Does applicant is entitled for relief as prayed?	Yes
5.	What order?	Application is allowed.

REASONINGS

AS TO POINTS 1, 2 AND 3 -

5. The applicant produced the document **Exh.A1** which is the copy of Share Certificate. It shows the applicant is owner of the application premises. The document shows the applicant is entitled to give this property on leave and license basis thus the applicant is a landlord of application premises. Hence the finding as to point no. 1 in affirmative.

6. The document **Exh.A4** is the certified copy of the Leave and License Agreement. The certified of said leave and license agreement is tendered on

[Handwritten signature]
22/9/24

record. It is conclusive as per **section 24 - Explanation (b) of MRC Act** for the fact stated therein. The period of leave and license is commenced on 15.04.2024 and ending on 14.03.2025. The agreement was executed between the applicant and respondent. The said fact is not contested by the respondent. Hence I record my finding as to point no. 2 is in affirmative.

7. The applicant issued notice Dt.24.02.2025 **Exh.A2** to the respondent mentioning the termination. But he did not pay heed to it and still residing in license premises without any authority. So also, the term of Leave and License Agreement is expired by efflux of time on 14.03.2025. Hence for this reason I have recorded my findings as to point no. 3 in affirmative and held that the leave and license agreement is terminated.

AS TO POINT NO 4 AND 5 :-

8. The leave and license agreement is terminated on the date 14.03.2025. The premises are yet not vacated by the respondent. Section 24 of the MRC Act, empowered this authority to pass order of eviction and damages on the expiry of leave and license agreement. Hence, I found the applicant is entitled for eviction order against the occupier of the license premises i.e. respondent. The respondent is not a licensee therefore he can not be ordered to pay damages to landlord. The applicant can move before civil court for the recovery of outstanding and damages as per agreement if any. Accordingly, I answered point 4 in affirmative and in answer to point no. 5 passed following order –

ORDER

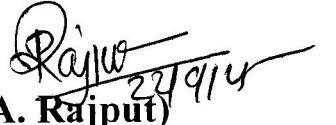
1. The application is allowed.

2. The respondent is hereby directed to handover vacant and peaceful Possession of application premises “**Flat No.101, Built Up:350 Sq.ft., situated on the 1st Floor of building known as Sonam Apartment**”

CHS Ltd, standing on the plot of land bearing C.T.S. Number 360, 360/1 to 360/3, 361, Village Kanheri, Carter Road No.3, O.P. and F.P no. 56, T.P.S. II, Borivali East, Mumbai-400066” to the applicant within 30 days from the date of this order.

3. The respondent is directed to pay damages to applicant at the rate of **Rs.30,000/- per day (Rs.15,000*2= 30,000/-)** from **15.03.2025** to till Handover the vacant possession of application premises.
4. The applicant is at liberty to appropriate security deposit if any.

Mumbai
Date :22.09.2025


(Smt. P. A. Rajput)
Competent Authority
Rent Control Act Court,
Konkan Division, Mumbai.