Eviction Suit

**In The Court Of Senior Sub-Judge \_\_\_\_\_\_\_\_\_**

Civil Suit No.: \_\_\_\_\_\_\_of 200

(Under Order XXXVII of the Code of Civil Procedure 1908)

Date of Institution : \_\_\_\_\_\_\_

Plaintiff

Versus

Defendants

**A SUIT FOR RECOVERY OF PO SSESSION AND MONDY CLAIM**

The plaintiff above named submits this plaint, praying to state as follows :

1.     Description of Suit Property :All that piece and parcel of premises  
consisting of three rooms along with attached sanitary block totally  
admeasuring 350 sft situate on the ground floor in the old building  
standing at ---------.

*2.* That the property described in para 1 above is owned by the plaintiff,  
and the defendant is a monthly tenant in the said property.

3. That the month of tenancy is according to the English calendar,  
 commencing on the first day in a month and ending on the last day  
 of the same month.

4. That the monthly rent for the suit premises is @ Rs. 75/- exclusive  
of all other charges and taxes.

3.                     That the defendant has not paid the amount of monthly rent from January 200\_., and thus, he has become a defaulter within the meaning, provision and interpretation of the Maharashtra Rent Control Act 1999.

4.    That the defendant without the consent of this plaintiff also erected  
a permanent structure in the suit premises by providing a wall.

5.    That the defendant has already acquired a spacious flat in the  
Swan and Cooperative Housing Society at Kothrud, and the defendant  
has shifted his residence there and kept the suit premises duly  
locked for more than two years.

6.    That there are as many as twelve members in the family of the  
plaintiff, and since the premises in possession of the plaintiff are  
inadequate and insufficient, he requires the suit premises for his  
personal bonqfideoccupation.

7.    That the plaintiff served upon the defendant a notice, on calling

upon him to vacate the premises and hand over vacant and peaceful possession thereof unto the plaintiff, but the defendant refused to do so, and hence, this suit.

10.    That the defendant has also been very irregular in making the  
payment of monthly rent, and sometimes he pays the rent occasionally  
or for a period of 4/5 months.

11.    That even though the defendant has been using the premises for so  
many years, he keeps the same in a dirty condition.

12.                             Particulars of Money Claim :Rupees

(A) Arrears of Rent from 1.1.2005 to

31.12.2006 @ Rs. 75/- per month 1,800/-

(B) Amount of Mesne Profits from 1.1.200\_

to 31.1.200\_ @ Rs. 150/-p.m. . 150/-

(C)   Notice Charge 450/-

(D)                    Total Amount Due and Claimed 2,400/-

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(E) Less Amount Received \_ -Nil-

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(E)          Net Amount Due and Claimed 2,400/

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13.                                That the plaintiff so far several attempts so as to recover the arrears  
of rent even by asking the defendant to make the payment in  
instalments, but the defendant has never taken anything seriously  
and sincerely, and hence this suit.

14.                                That the cause of action for the present suit first arose on .

when the defendant refused to vacate the suit premises, and the same has since then been arising every day thereafter, and hence, the suit filed today is well within limitation.

15.                                That the property is situate within the local limits of the jurisdiction  
of this court, and hence, this Hon'ble Court has jurisdiction to try  
and decide this suit.

16.                                That the suit is valued at Rs. 1,800/- that being the amount equal  
to 12 months' rent, and a separate court fee on the amount of money  
claim has been paid herewith.

17.               That the plaintiff, therefore, prays that -

(A)    A decree of eviction be passed against the defendant;

(B)                                  Vacant possession of the suit premises be restored to the  
plaintiff;

(C)                                  The defendant be ordered to pay unto this plaintiff the amount  
of money claim and also mesne profits @ Rs. *150/- p.m.* from  
the date of filing this suit till recovery of possession;

(D)         The costs of this plaintiff be paid from the defendant; and

(E)          Any other orders in the interest of justice be kindly passed.

Plac:

Sd/-

Dated : .. PLAINTIFF

Sd/- x X x

ADVOCATE FOR PLAINTIFF

**VERIFICATION**

I, \_\_\_\_\_\_\_----\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ , the present opponent, do hereby state on solemn affirmation that the contents of this statement in paras 1 to 17 are true and correct to the best of my knowledge and belief, so I have signed here under. Sd/-

PLAINTIFF