



## ILS Law College, Pune

*The Ninth Judgment Writing Competition 2016 in memory of Judge Shri P N Behere*

3 December, 2016

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### ***Mr. Rudra Mehra v. M/s Annapurna Caterer and Others***

The Mehras are a renowned business family of Pune. Mr. Kumar Mehra owned many properties at key locations in Pune. He died leaving behind him 3 children : the eldest Rudra, his younger married sister Meera, and the youngest Vipul. Meera and Vipul reside at *The Mehras' Mansion* in Camp, Pune that consists of four units. Rudra stays in an apartment owned by his brother in law at Pirangut, Pune. By a will, Mr Kumar Mehra has bequeathed the Mansion to his daughter and younger son, and disinherited totally Rudra.

M/s Annapurna Caterers, a partnership firm with Shashank Patel, Manoj Patel, Preeti Ahuja and Medha Jain as its partners, is engaged in running hotel business and was in the need of centrally located and suitable premises for its hotel business.

After the death of Mr. Kumar Mehra, Meera and Vipul let out a part of *the Mansion* (two of four units) to M/s Annapurna for its business by a registered Lease Deed. The lease deed specifically prohibited sub-letting or assignment by the lessee. The possession of the premises was immediately given. By the terms of the Lease Deed, M/s Annapurna has been paying Rs. 350000 per month as rent for the premises.

Rudra, as one of the legal heirs of late Mr. Kumar Mehra, demanded 1/3<sup>rd</sup> share in the total amount of the rent being paid. M/s Annapurna denied paying 1/3<sup>rd</sup> of the total rent amount to Rudra as he was not party to the Lease Deed. Rudra filed a civil suit against Meera and Vipul Mehra. Both of them appeared and set up in defence the last will of Mr. Kumar Mehra bequeathing *The Mehras' Mansion* exclusively to them both. This suit for partition was compromised and decreed on consent terms, under which the leased portion of the Mansion was allotted to the share of Rudra.

Rudra sent a notice to M/s Annapurna seeking possession of the leased premises on the following grounds (a) bona-fide requirement of the premises by him and his family members for residential and commercial purpose; (b) permanent structural changes made by M/s Annapurna to the premises by demolishing walls in the units to make larger halls.

On another front, Preeti Ahuja and Medha Jain retired as partners from M/s Annapurna and Rakesh Patil and Divya Sathe joined as new partners. Later, Shashank Patel also retired.

Rudra filed a civil suit in the Small Causes Court Pune for eviction on the grounds of his bona-fide requirement, permanent structural changes and sub-letting / assignment of tenancy rights. M/s Annapurna appeared and defended the case inter alia on the grounds that (i) the Rudra had no locus standi to evict them as he was not a party to the lease deed; (ii) Rudra has alternate premises available and no hardship will be caused to him; (iii) the changes made to premises were made in pursuance of the terms of the Lease Deed; (iv) there is no sub -letting as change in the constitution of a partnership firm does not amount to assignment or subletting.

Both the parties have led their evidence. The matter is fixed for final arguments and judgement.

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Relevant laws : Transfer of Property Act, Maharashtra Rent Control Act, Registration Act, Provincial Small Causes Courts Act, Indian Partnership Act.