

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CIVIL REVN. APPLN. NO.: 119 OF 2013

The Agricultural Officer,
Agricultural Research Center,
Deolali Pravara, Taluka Rahuri,
District Ahmednagar.

... **APPLICANT**
[ORIG.DEFENDANT]

VERSUS

Smt. Khatijabi Rasul Attar,
Age: Major, Occu. Nil,
R/o Deolali Pravara, Taluka Rahuri,
District Ahmednagar.

... **RESPONDENT**
[ORIG. PLAINTIFF].

Mr. P. N. Mule, A.G.P. for the Applicant.
Mr. R. R. Karpe, Advocate for the Respondent.
@@@

CORAM:- T. V. NALAWADE, J.
DATED:- 20th JULY, 2015.

ORAL JUDGMENT:

1. The present proceeding is filed to challenge the order made by learned Civil Judge, Junior Division, Rahuri at Exhibit-36 in R.C.S. No.563 of 2009. The application filed

under section 9A (Maharashtra Amendment) of Civil Procedure Code, is rejected by learned Judge of trial Court. Both sides are heard.

2. The application was filed by original defendant by contending that the property was with the defendant initially as a lessee but subsequently as the owner as the possession was given to defendant by Circle Officer on 20th April, 1968. In the application filed for raising the point of jurisdiction it was submitted that the matter falls under the Tenancy Court jurisdiction and so the Civil Court has no jurisdiction.

3. The contentions of plaintiff are that the property was given on lease basis to the defendant by the predecessor in title of the plaintiff. The property was given for use as the defendant was doing some research work and defendant is one institute created by Government. There are no particulars in written statement as to how the tenancy rights under Bombay Tenancy Act were created. Thus, ordinarily such dispute is tenable under the provisions of T.P.Act. This defence can be considered if any

evidence is produced in that regard. The learned Judge of the trial Court has not committed any error in rejecting the application. This Court sees no reason to interfere in the order. Hence, the following order:

ORDER

The Civil Revision Application is dismissed.

Rule discharge.

Interim relief stands vacated.

[T. V. NALAWADE, J.]

Dated:20/07/2015.
ans/119