

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.5398 of 2014

(Shri Dilip s/o Sheshrao Umare v. Shri Waman s/o Suryabhanji Mehata)

Office Notes, Memoranda of Coram,
appearances, Court's orders or directions Court's or Judge's orders
and Registrar's order

Shri A.S. Dhore, Advocate for Petitioner.

Shri S.U. Nemade, Advocate for Respondent.

Coram : R.K. Deshpande, J.

Dated : 17th February, 2015

The Trial Court has passed a decree for eviction from the suit premises on the ground of arrears of rent and change of user. This decree is confirmed in appeal by the Appellate Court. Hence, this petition is against the concurrent findings of fact.

The only ground on which the orders are assailed is that the land in question was within the territorial limits of Gram Panchayat Mangurda, and, therefore, the provisions of the Maharashtra Rent Control Act, 1999 were not applicable. This point is considered by both the Courts below. The documents are relied upon to hold that the land is situated within the municipal limits of Pandharkawada. Undisputedly, the provisions of the Maharashtra Rent Control Act apply to the area within the municipal limits of Pandharkawada. Both the Courts below have taken a possible view of the matter.

Shri Dhore, the learned counsel for the petitioner, has placed reliance upon the certificate dated 5-1-2014 issued by the Chief Officer, Municipal Council, Pandharkawada, wherein it is stated that as per the Government Resolution dated 26-8-2014, the

land in question was included within the municipal limits of Pandharkawada. He, therefore, submits that on the date when the suit was filed, the said land was not within the municipal limits of Pandharkawada.

The aforesaid document was not placed before the Trial Court or before the Appellate Court. Hence, it cannot be permitted to rely upon in this petition.

Thus, no interference is called for in the orders impugned in this petition. The petition is dismissed. No costs.

Judge.

Lanjewar