

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

12 REVIEW APPLICATION (CIVIL) NO. 208 OF 2016
IN WP/11961/2015

GANESH KAUTIK PATIL AND OTHERS
VERSUS
SITARAM JIVANRAM SHARMA

Shri. B.R. Waramaa, Advocate, for applicants.

Shri. P.B. Patil, Advocate, for respondent.

CORAM: T.V. NALAWADE, J.

DATE : 24 OCTOBER 2016

ORDER:

1) The application is filed for review of the order made by this Court in Writ Petition No.11961 of 2015. The said proceeding was filed by present petitioner to challenge the order of the trial Court, rent Court by which the prayer of the present applicants, to file counter claim and decide the counter claim is rejected.

2) The suit is filed under the Rent Control Act and in that suit the present petitioners wanted to get decision on the legality of so called will allegedly executed in

favour of plaintiff. Considering the nature of the jurisdiction of the Rent Court, this Court has held that it is not possible to interfere in the order made by the trial Court.

3) Today learned counsel placed on a case reported as **AIR 2007 SC 3166 (Sumtibai v. Paras Finance Co.)** and submitted that at least as legal representatives of deceased tenant, the successors are entitled to file written statement. The written statement filed by the predecessor-in-title is already on record and that can be used by the present petitioner. There is the defence taken by the so called original tenant of the plaintiff. In ordinary course, there is always scope to file additional written statement to legal representatives but the nature of that suit is always different. In rent suit there is no such scope. There is no possibility to review of the order. The application stands rejected.

Sd/-
(**T.V. NALAWADE, J.)**

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