

**IN THE HIGH COURT AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD**

919 WRIT PETITION NO. 11961 OF 2015

GANESH KAUTIK PATIL AND OTHERS
VERSUS
SITARAM JIVANRAM SHARMA

...
Advocate for Petitioners : Mrs. Warma h/f. Warama B.R.
Advocate for Respondent : Patil Prakashsing B.
...

CORAM : T.V. NALAWADE, J.
DATED : 31st August, 2016.

ORDER :

1. The petition is filed to challenge the orders made on Exhs. 39 and 42 in Regular Civil Suit No. 27/2009 of the learned Civil Judge, Junior Division, Parola, District Jalgaon. Heard both the sides.

2. The suit was filed by one Sitaram Sharma under the provisions of Maharashtra Rent Control Act, 1999 for eviction against the present respondent. Initially suit was filed against Kautik Patil and petitioners are legal heirs of said Kautik Patil.

3. The defendant has denied that plaintiff is the owner of the property and also the landlord of the property. Defendant wants to get relief as counter claim in respect of one will is allegedly executed in favour of plaintiff and he wants

declaration that said will is bogus. The legal heirs of the original defendant wants to file written statement and for that these applications were moved.

4. It appears that after hearing both the sides, the learned Trial Court Judge has rejected the prayer of defendant to make counter claim and also rejected the relief of filing additional written statement.

5. The suit is filed under the provisions of the Rent Control Act and limited points are involved. In view of nature of defence taken by the defendants, the plaintiff is expected to prove that he is entitled to get relief of eviction against the defendants. That issue covers everything. Further, relief claimed by tenant in respect of will cannot be entertained by the Court dealing with the rent matters as jurisdiction for that matter is limited one. In view of these circumstances, this Court holds that the Trial Court Judge has not committed any error in rejecting in the applications. There are no merits in the petition. Petition is dismissed.

[T.V. NALAWADE, J.]

ssc/