

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.873 OF 2016

Sanjay Chandu Kshirsagar and another	.. Petitioners
Versus	
The State of Maharashtra and others	.. Respondents

Shri. Sujay H. Gangal, for the Petitioners.

**CORAM : R.M. SAVANT, J.
DATE : 29th FEBRUARY 2016**

PC.

1. The writ jurisdiction of this Court is invoked against the order dated 09.10.2015 passed by the Learned Principal District Judge, Solapur, by which order, the Civil Misc. Application No.30 of 2015 filed by the Petitioners came to be rejected. The said application was filed Under Section 24 of the CPC seeking transfer of RCS No.233 of 2008 filed by the Respondents Nos.2 to 11 against the Petitioners which is pending before the CJJD Madha, District Solapur to the Court of the Learned CJSD, Barshi to be heard along RCS No.158 of 2014 filed by the Petitioners. In so far as the RCS No.158 of 2014 is concerned, the same has been filed in the nature of an interpleader suit seeking a declaration as to title between the Government and the Applicants i.e. the Petitioners herein. The Respondents herein have filed RCS No.233 of 2008 before the CJJD,

Madha for eviction of the Petitioners in the said suit on the ground that they are tenants and the Respondents have therefore invoked the provisions of the Maharashtra Rent Control Act, 1999. The Learned Principal District Judge, Solapur, has rejected the said application filed under Section 24 of the CPC on the ground that the capacity of the parties in both the suits are different and that one being a suit under the Rent Act, the same would lie before the Court which has special jurisdiction under Section 37 of the Rent Act and that the Court at Barshi would not get the jurisdiction to try the suit under the Rent Act. In my view, having regard to the fact that the scope of the provisions in both the suits are different as also the status of the parties is different. The order passed by the Learned Principal District Judge, Solapur, rejecting the application filed under Section 24 of the CPC cannot be found fault with. No case for interference in the writ jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]