

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

CIVIL REVISION APPLICATION NO.60 OF 2016
(CENTAL BANK OF INDIA HO & OTH...VS..M/S. CONCRETE DEVELOPERS, NAGPUR.)

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

Court's or Judge's orders

CORAM : Z.A.HAQ, J.
DATED : SEPTEMBER 28, 2016.

Heard Shri S.D.Khati, advocate for the applicants/
defendants.

The order passed by the learned trial Judge rejecting the application (Exh.33) filed by the defendants under Order VII Rule 11 of the Code of Civil Procedure is challenged. In the application the defendants contended that as the plaintiff claims that the suit is filed under Section 106 of the Transfer of Property Act, the suit is not maintainable before the Small Causes Court in view of the provisions of Section 3 (1)(b) of the Maharashtra Rent Control Act, 1999 which provides that the Act of 1999 will not apply to any premises let or sub-let to banks. The issue raised by the defendants is not of such a nature that it can be adjudicated while exercising jurisdiction under Order VII Rule 11(d) of the Code of Civil Procedure and the learned trial Judge has not decided the issue finally and the mere observation in the impugned order that the grounds taken by the defendants in the application are not maintainable (perhaps should be sustainable) does not mean that the issue is finally decided by

the learned trial Judge. The issue raised by the defendants in the application (Exh.33) will have to be considered along with other issues at an appropriate stage.

With the above observations, the civil revision application is **dismissed**. No costs.

JUDGE

RRaut..

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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