

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

WRIT PETITION NO.6117 OF 2017

Shri.Deepak Parshuram Gaikwad	...Petitioner
V/s.	
Shri.Suhas Marutrao Kalbhor & Ors.	...Respondents

Mr.Chaitanya Nikte for the Petitioner.

None present for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 12th OCTOBER 2017

P.C.

1. Not on board. Upon production, taken on board.
2. This petition challenges impugned order dated 09.11.2016 by which the petitioners defense in Civil Suit No.387 of 2010 has been struck off by resorting to the provisions of Order 39 Rule 11 of the C.P.C.
3. If the decision of the full Bench of this Court in Bhartiben Shah V/s. Gracy Thomas & Ors.¹ is perused then, the petitioner in this case, will have alternate and efficacious remedy

¹ 2013 (2) MLJ 25

under Section 34(4) of the Maharashtra Rent Control Act, 1999 by instituting a Revision against the impugned order before the District Court.

4. Since, the petitioner, has alternate and efficacious remedy available, there is no reason to entertain this present petition.

5. This petition is therefore dismissed with liberty to the petitioner to avail the alternate remedy.

6. The learned counsel for the petitioner states that Revision Application will be instituted within four weeks from today, then, the Revisional Authority, to give due consideration to the time spent by the petitioner before this Court in construing the issue of sufficient cause. Further, since, the learned counsel for the petitioner points out that the position was not very clear as to whether a Revision, in such circumstances is maintainable or not, the Revisional Authority, to give due consideration to this aspect also in determine whether or not there was sufficient cause to institute the Revision Application.

7. In the aforesaid observations and liberty, this petition is dismissed. There shall be no order as to costs.

8. All concerned to act on the basis of the authenticated copy of this order.

(M. S. SONAK, J.)