

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

CIVIL REVISION APPLICATION (ST) NO.10920 OF 2017

Starwort Engineers Pvt. Ltd.	..Applicant (Org. Applicant in CRA)
V/s. Rajkumari Ramnath Harlalka & Anr.	..Respondents

**WITH
CIVIL REVISION APPLICATION (ST) NO.10927 OF 2017**

M/s.Gujarat Poistra Steel Co. Ltd.	..Applicant (Org. Defendant No.1)
V/s. Rajkumari Ramnath Harlalka & Anr.	..Respondents

Mr.Dinesh Chamburwala a/w Ms.Yasmin Godrej i/b Crawford
Bayley & Co. for the Applicant.

Ms.Kavita Shah for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 08th SEPTEMBER 2017

P.C.

1. In both these Civil Revision Applications, the challenge is to the orders dated 19th December 2014 and 30th August 2016 by which the Trial Court and the Appeal Court have held that the Trial Court has jurisdiction to entertain the suit for eviction instituted by respondent Nos.1 and 2. In the two orders, the Trial Court and the Appeal Court have held that the applicants are not entitled to the

protection of the Maharashtra Rent Control Act 1999, since, the applicants are public limited company having paid up share capital of more than Rs.1 crore.

2. Although, the Trial Court, or for that matter, the Appeal Court, will not be in a position to revisit the issue as regards the entitlement of the applicants to the protection of the Maharashtra Rent Control Act 1999, the rest of the issues as regards the plea for the eviction of the applicants have yet to be decided. Accordingly, rather than entertain these applications at this stage, it will be appropriate if the Trial Court proceeds to dispose of the suits instituted by respondent Nos.1 and 2 in accordance with law and on their own merits. In case, the decision is against the applicants, the applicants have a remedy of an appeal. No doubt, as pointed out by the learned counsel appearing for respondent Nos.1 and 2, even in the appeal, the issue of protection under the Maharashtra Rent Control Act 1999, will not be capable to be gone into, since, even the Appeal Court by its order dated 30th August 2016 has concurred with a view taken by the Trial Court on this issue. The Appeal Court, can however, examine the matter on the remaining issues.

3. If ultimately, adverse orders are made against the

applicants and applicants choose to challenge such adverse orders before this Court, at that stage, the applicants can be reserved the liberty to raise the issue of protection under the Maharashtra Rent Control Act 1999. Therefore, expressly reserving such liberty to the applicants, these Civil Revision Applications are disposed of.

4. Further, it is made clear that the observations in the impugned order to the extent, they do not concern the issue of protection under the Maharashtra Rent Control Act 1999, are to be regarded as only *prima-facie* and the Trial Court need not be influenced by such observations while disposing of the suits on its own merits and in accordance with law.

5. These Civil Revision Applications are disposed of in the aforesaid terms. There shall be no order as to costs.

(M. S. SONAK, J.)