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

WRIT PETITION (St.) NO. 31701 OF 2016

Mr. Sultan Suleman Qureshi.

... Petitioner.

V/s.

Mrs. Anisa Rafiq Charolia and Ors.

... Respondents.

Mr. Akhil Kupade i/b. Manoj Harit & Co. for the Petitioner.

Mr. S.M. Vyas for the Respondents.

CORAM : N.M. Jamdar, J.

25 January, 2017.

Oral Order :-

Not on board. Taken on production board by way of praecipe.

2. The Application filed by the Petitioner – Defendant for framing certain additional issues has been rejected by the learned Small Causes Court Judge. The scheme of the Maharashtra Rent Control Act, 1999 does not provide either an Appeal or a Revision against such order and this legislative policy cannot be nullified by interfering in every interlocutory order albeit erroneous under the

power of superintendence. As far as the prejudice to the Petitioner is concerned, there is none. Even if the additional issues as sought for by the Petitioner are not framed, the Petitioner is not precluded from putting forth such contentions as may be available in law and in fact as per the pleadings of the parties.

2. In these circumstances, no interference is warranted in the impugned order. The Writ Petition is accordingly disposed of.

3. The grievance made by the learned Counsel for the Respondent that these applications are filed only to delay the trial of the suit, which is of the year 2004, appear to be prima-facie justified. The learned Small Causes Court Judge will accordingly look into the grievance of the Respondent.

(N.M. Jamdar, J.)