

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

Second Appeal No.483 of 2016
(Sudhakar Haribhuaji Atkar v. Mohammad Usman Lakamanji Rangrej and
others)

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

Court's or Judge's orders

Shri D.S. Lambat, Advocate for Appellant.
Shri A.S. Ghatole, Advocate, holding for Smt. R.S. Sirpurkar, Advocate
for Respondent No.1/Caveator.

Coram : R.K. Deshpande, J.
Date : 28th February, 2017

The suit in question was filed under Section 16 of the Maharashtra Rent Control Act, 1999 for eviction and possession. A decree was passed by the Trial Court. The lower Appellate Court has dismissed the appeal under Section 96 of the Code of Civil Procedure. Hence, this second appeal.

Under the scheme of the Maharashtra Rent Control Act, once a decree is passed by the Trial Court for eviction and possession, there is an appeal provided under Section 34 of the said Act, which is to be tried by the lower Appellate Court. Sub-section (3) of Section 34 of the said Act bars further appeal against a decree passed by the lower Appellate Court. Hence, the second appeal is not maintainable. The same is dismissed as

such. The appellant is at liberty to file appropriate proceedings in accordance with law. All questions are left open to be agitated in such proceedings.

Judge.

Lanjewar