

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7000 OF 2018

KALIKA NAGARI SAHAKARI PATSANSTHA LTD THROUGH ITS
AUTHORIZED PERSON PRAMOD DATTATRAYA KAND AND ORS.
VERSUS
ACHUYAT PURUSHOTTAM RASANE AND ANOTHER

...
Mr. D.A. Bide, Advocate for petitioners
...

CORAM : SUNIL P. DESHMUKH, J.
DATE : 04-07-2018

ORDER :

1. Learned counsel for petitioners submits that having regard to section 55 of the Maharashtra Rent Control Act, 1999, there being no registered agreement as per the mandate therein, a suit for eviction under Maharashtra Rent Control Act, 1999, may not be maintainable and civil court would not have jurisdiction. Learned counsel, during course of his submissions, purports to refer to and rely on decisions of Supreme Court in the cases of *Rajendra Tiwary V. Basudeo Prasad* reported in 2001 LawSuit(SC) 1510 and *J.P. Anand V. D.G. Baffna* reported in 2001 LawSuit(SC) 1436.

2. Perusal of the provision does not indicate that the same refrains the civil court from entertaining a suit nor the provision raises bar to the jurisdiction of civil court. The two

citations relied on by learned counsel for petitioners, have been wide apart and do not dwell upon question of jurisdiction.

3. In the circumstances, the impugned order on the objection raised under exhibit - 27, is not liable to be interfered with. Writ petition is not entertained and is rejected.

[SUNIL P. DESHMUKH]
JUDGE

arp/