

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

902 WRIT PETITION NO. 6908 OF 2014

**CHANDRASHEKAR SHAMRAO SHINDE
VERSUS
SURYAKANT SHAMRAO SHINDE AND OTHERS**

...

Advocate for Petitioner : Mr.A.B.Gaikwad and
Mr.S.A.Gaikwad

Advocate for Respondents : Mr.A.D.Kasliwal

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CORAM : R.M.BORDE, J.

DATE: 27th March, 2018

PER COURT:-

1) Heard.

2) Perused the orders passed by the 5th Joint Civil Judge, Senior Division, Aurangabad, dated 1.4.2014 and 9.4.2014.

3) An application was presented by the petitioner - decree holder, seeking impleadment of tenant as party respondent to the execution proceeding for issuance of directions in respect of recovery of rent from the said tenant. The Trial Court has rightly considered the issue and recorded finding that the prayer made is beyond the scope of execution proceedings.

4) It is not a matter of dispute that the tenanted property has fallen to the share of the petitioner under compromise decree arrived between the parties.

5) It is informed that the petitioner - decree holder, has presented Regular Civil Suit No.564 of 2017, claiming eviction of tenant and for recovery of rent.

6) The question arising between the tenant and landlord has to be decided by availing remedy under the Maharashtra Rent Control Act. It is also not matter of dispute that a separate proceeding is initiated claiming recovery of rent.

7) In view of above, no interference is called for. Petition is devoid of substance, hence rejected.

8) It would be open for the petitioner to pursue the proceedings already filed before the Trial Court against the tenant.

(R.M.BORDE)
JUDGE