

Aisha Khan @ Margaret Bhambal	...	Petitioner
Vs.		
The Union of India through the Defence		
Estate Officer and others	...	Respondents

Mr. Satyavrat Joshi for Petitioner.
Ms Kavita Shinde i/b. Mr. A. B. Tajane for Respondent No.1.
Mr. Karan S. Thorat, AGP for Respondent No.2.
Mr. D. S. Patil for Respondent No.3.

CORAM : R. G. KETKAR, J.
DATE : OCTOBER 12, 2018

P.C. :

Heard Mr. Joshi, learned Counsel for the petitioner, Ms Shinde, learned Counsel for the respondent No.1, Mr. Thorat, learned AGP for the respondent No.2 and Mr. Patil, learned Counsel for the respondent No.3.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the order dated 26.11.2014 passed by the learned Judge, Small Causes Court, Pune below exhibit-49 in Civil Suit No.425 of 2011. By that order, the learned trial Judge rejected application exhibit-49 made by the petitioners, hereinafter referred to as 'defendants', for returning the plaint under Order VII, Rule 10 of the Code of Civil Procedure, 1908 for want of jurisdiction.

3. The defendants filed application on the ground that the provisions of the Maharashtra Rent Control Act, 1999 (for short 'Act') are not applicable to Pune Cantonment area. As the suit premises is situate in Pune Cantonment area, the Small Causes Court does not have jurisdiction to entertain and try the Suit. By order dated 21.09.2018, the

issue whether the Act applies to Pune Cantonment area was answered by holding that even in respect of the premises situate in Pune Cantonment area, the Act applies. In view thereof, I do not find that the learned trial Judge has committed any error in rejecting the application and holding that Small Causes Court has jurisdiction to entertain and try the Suit. Hence, Petition fails and the same is dismissed.

(R. G. KETKAR, J.)

Minal Parab