

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 8268 OF 2016

Shri. Ashok Bhagwan Harpalani
And Ors.

...Petitioners

Versus

Shri. Shabbir Teharbhai Patanwala

...Respondent

....

Mr. Prasad Kulkarni, Advocate for the Petitioners.

Mr. Sachin Chandan, Advocate for the Respondent.

....

CORAM : R. G. KETKAR, J.

DATE : 12th OCTOBER, 2018

P.C.

1. Heard Mr. Prasad Kulkarni, learned counsel for the petitioners and Mr. Sachin Chandan, learned counsel for the respondent, at length.

2. This Petition takes exception to the order dated 23.3.2016 passed by the learned 7th Additional Small Causes Judge, Pune below Exhibit-117 in Civil Suit No.230/2010. By that order, the learned trial Judge held that the Small Causes Court has jurisdiction to entertain and try the suit and rejected the application Exhibit-117 made by defendant No.1 under Order VII Rule 10 of Code of Civil Procedure, 1908 (for short, 'C.P.C.'). The petitioner has also challenged the order dated

7.6.2016 passed by the learned trial Judge below Exhibit-120. The petitioner filed application Exhibit-120 for staying the suit on the ground that the controversy as regards the jurisdiction of the Small Causes Court to entertain and try the suit is pending before the Division Bench of this Court. By order dated 7.6.2016, the learned trial Judge rejected the application.

3. By order dated 24.9.2018 passed in **C.R.A. No.249/2018 (Shireen Dady Adenwalla Vs. Yasmin Dinyar Ilavia)** and other companion matters, I have held that the provisions of the Maharashtra Rent Act, 1999 are applicable to the Pune Cantonment Area. Hence, I do not find that the learned trial Judge has committed any error in passing the impugned orders. Hence, Petition fails and the same is dismissed with no order as to costs. Order accordingly.

(R. G. KETKAR, J.)

Deshmane (PS)