

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.548 OF 2017

Ganpat Fatu Naik (decd) through LRs
Savitri Ganpat Naik and others ... Applicants
Vs.
Shree Sahyadri Co-operative Housing Soc. Ltd. ... Respondent

WITH
CIVIL REVISION APPLICATION NO.557 OF 2017

Neelkanth Shripad Bhende (decd) through LRs
Vinay Neelkanth Bhende and others ... Applicants
Vs.
Shree Sahyadri Co-operative Housing Soc. Ltd. ... Respondent

Mr. Mahendra M. Agavekar for Petitioners in both the Applications.

CORAM : R. G. KETKAR, J.
DATE : MARCH 07, 2018

P.C. :

Heard Mr. Agavekar, learned Counsel for applicants.

2. Mr. Agavekar states that Civil Revision Application raising identical controversy is not listed on the Board today. He states that the same may be heard along with this Application.

3. At his request, Civil Revision Application No.557 of 2017 is taken up for admission.

4. By these Applications under Section 115 of the Code of Civil Procedure, 1908, applicants have challenged the judgment and decrees dated 21.12.2017 passed by the learned Civil Judge Junior Division, Thane in R.C.S. No.117 of 2017 and R.C.S. No.116 of 2007 as also the judgment and decrees dated 29.11.2016 passed by the learned Ad-hoc

District Judge, Thane in R.C.A. No.67 and R.C.A. No.74 of 2013. By these orders, the Courts below decreed the Suit instituted by the respondent on the ground of arrears of rent as contemplated by Section 15 of the Maharashtra Rent Control Act, 1999 (for short 'Act') as also for committing breach of the agreement. The Courts below held that the Co-operative Court has no jurisdiction to entertain and try the Suit. After perusing the impugned orders, I do not find that the Courts below committed any error in decreeing the Suit.

5. That apart, Mr. Agavekar fairly invited my attention to the order dated 13.11.2017 passed by this Court (Coram: G. S. Patel, J.) in C.R.A. No.553 of 2017 and other companion application, raising identical controversy between the applicants and the respondent-society. In paragraph 6 of that order, this Court noted that defendants, who are the applicants, had led no evidence. For that reason also, no case is made out for interfering with the impugned orders. Hence, Applications fail and the same are dismissed. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab