

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL REVISION APPLICATION NO.131 OF 2018

(Rajesh Sohanlal Varma and another Vs. Shyam Rameshwar Dambelkar)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.*

Court's or Judge's orders.

Shri U.J. Deshpande, Advocate for Applicants.
Shri Rahul Tajne, Advocate for Respondent.

CORAM: ROHIT B. DEO, J.

DATE: 10th DECEMBER, 2018.

Heard.

2] The civil revision application is directed against the order dated 05.12.2017 passed by the Civil Judge, Junior Division, Nandura in Regular Civil Suit 44/2012, by and under which, the application preferred by the applicants – defendants under Order VII, Rule 11 of the Code of Civil Procedure is rejected.

3] One of the grounds on which the defendants sought rejection of plaint is that the provisions of the Maharashtra Rent Control Act, 1999 are applicable and that the suit plaint does not conform with the requirements under the said enactment.

4] It is common ground that the applicability of the provisions of the Act would be a mixed question of fact and law. Both the learned counsel fairly state that the revision can be disposed of by observing that the issue of applicability of the Maharashtra Rent Control Act, 1999,

and if the Act is applicable, its effect on the litigation, can be considered by the trial court along with the other issues.

5] The civil revision is disposed of with the direction that the trial court shall, at the time of final hearing, decide the issue of applicability and effect of the Maharashtra Rent Control Act, 1999 along with other issues.

6] The suit is of the year 2012. The evidence of the plaintiff is complete. The trial court would be expected to finally decide the suit as expeditiously as possible and in any event within four months.

JUDGE