

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

WRIT PETITION NO.3869/2019

Vidyut Mandal Tantrik Kamgar Sahakari Patsanstha Maryadit
vs.
Sau Mangala Laxmikant Dubey and others.

Office notes Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri A.H.Mishra, Advocate for petitioner.
Shri S.A.Mohta, Advocate for respondent no.1.

CORAM : A.S.CHANDURKAR, J.
DATED : October 14, 2019

The challenge is raised to the decree for eviction as passed by the trial Court under Section 15 (1) of the Maharashtra Rent Control Act, 1999 (for short, 'the said Act') which has been affirmed by the appellate Court.

It is seen that after service of notice dated 18.05.2012 to the petitioner-Society, the arrears of rent of Rs.37,000/- was not cleared. A defence was raised that transfer of the property in favour of the plaintiff was illegal. However except for raising that defence, no further steps were taken by the Society to challenge that transfer. It is also seen from the record that during the pendency of the suit and thereafter in the appeal, provisions of Section 15(3) of the said Act have not been complied.

In that view of the matter, considering the concurrent finding of the fact with regard to commission of default is concerned, there is not case made out to interfere in writ jurisdiction. The writ petition is therefore dismissed.

JUDGE

Andurkar.