

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 187 OF 2020**

Rishi Raman Punnilath

.....Petitioner

Vs.

Yogesh Gopi Rao Pawar & Ors.

.....Respondents.

Adv. Chandra Bose i/by Adv. Shail Chaudhary for the Petitioner.

Mr. Ram Upadya for the Respondent Nos. 1 to 3.

Ms. Geeta Sonawane, AGP for the Respondent-State.

CORAM : A. S. GADKARI, J.**DATE : 28th JANUARY, 2020.****PC.:-**

By the present Petition, the Petitioner-licensee has impugned Order dated 21st November, 2019 passed below Exhibit-16 in Eviction Application No. 140 of 2018 by the Competent Authority established under the Maharashtra Rent Control Act, 1999 (for short, the said Act).

2 Heard learned counsel for the Petitioner and learned counsel for the Respondents. Perused the entire record, annexed to the Petition.

3 The record indicates that, the Respondents have filed the aforestated Eviction Application No.140 of 2018 against the Petitioner under Section 24 of the said Act.

It is the case of the Respondents that, the Respondents and the Petitioner entered into Leave and License Agreement dated 25th September,

2016 whereby, the Respondents permitted the Petitioner to stay in the Suit premises as a licensee for a period of 11 months. That, though the period mentioned in the said Agreement came to an end, the Petitioner continued to be in possession of the Suit Property and therefore, the said Application is filed.

It further appears from the record that, after receipt of the summons, the Petitioner has filed an Application for leave to defend as contemplated under Section 43(3) of the said Act. That, the Petitioner also filed an Application below Exhibit-16 for direction to the Respondent No.2 to produce on record the Visa Copy and to file an Affidavit in that behalf.

As noted earlier, the Trial Court by its impugned Order dated 21st November, 2019 has rejected the said Application.

4 It is the settled position of law that, the Plaintiff/Petitioner has to adduce the evidence in support of his case and cannot call upon the Respondents to produce evidence/documents to prove his own case. The contentions raised by learned counsel for the Petitioner are pertaining to his defence to be raised in the proceedings under Section 24 of the Act and for proving his defence, he cannot be permitted to call upon the other side to produce the documents which are personal in nature and are in exclusive possession of the Respondents.

A bare perusal of the said Application filed below Exhibit-16 would clearly indicate that, it is a frivolous Application filed by the

Petitioner, only with a view to procrastinate the litigation filed against him by the Respondents under Section 24 of the said Act. The proceedings under Section 24 of the said Act are summary in nature.

5 Perusal of the impugned Order would further clearly indicate that, the Competent Authority has not committed any error while passing the said Order.

In view thereof, I find no merits in the Petition. Petition is accordingly dismissed in *limine*.

Sanjiv S.
Mashalkar

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by Sanjiv S.
Mashalkar
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(A.S. GADKARI, J.)