

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**917 SECOND APPEAL NO.447 OF 2021
WITH
CA/11498/2021 IN SA/447/2021**

VIVEK TRIMBAKRAO PATURKAR THROUGH PROPRIETOR YUVRAJ
SHRIKRISHNARAO PATURKAR

VERSUS

SULOCHANABAI GANGADHARRAO WATTAMWAR THROUGH OWER OF
ATTORNEY HOLDER VIVEK GANGADHARRAO WATTAMWAR

...
Advocate for Appellant : Mr. Deshpande Milind K.
Advocate for Respondent : Mr. A. S. Kulkarni
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 21-10-2021.

ORDER :

1. Learned Advocate appearing for the respondent takes preliminary objection regarding the maintainability of the second appeal contending that the suit was under the Maharashtra Rent Control Act for eviction. It was dismissed. The First Appellate Court allowed the same and directed the defendant to vacate the suit premises.
2. Under such circumstances, the second appeal is not maintainable in view of the fact that the Maharashtra Rent Control Act is Code by itself.
3. Learned Advocate for the appellant admits the position of Law and, therefore, he seeks to withdraw the second appeal with leave to

file appropriate proceedings.

4. Under such circumstances, the second appeal is allowed to be withdrawn.

5. Liberty is granted as prayed if it is befitting the legal provisions and especially limitation.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-