

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

CIVIL REVISION APPLICATION NO.119 OF 2019

Bhanumati w/o Amrutlal Shah
(Since deceased) through legal
representative Gautam s/o Amrutlal
Shah, Aged about 49 years,
Occ: Business, R/o Popular Chambers,
Central Avenue Road, Nagpur. **APPLICANT**

...V E R S U S...

M/s. Dilip Scooter House,
through its proprietor
Shri Dilip son of Bhogibhai Patel,
since deceased through legal heirs

- i) Smt. Dharmishtaben D. Patel (Wife)
Aged about 70 years, Occ: Home maker.
- ii) Shri Kartik s/o Dilip Patel,
Aged about 43 years, Occ: Service.
- iii) Smt. Shefali w/o Chirag Patel,
Aged about 45 years, Occ: Not known.

All above C/o M/s. Dilip Scooter House,
Ground Floor Shop Block of Popular
Chambers, bearing Municipal Corporation
House No.859, situate in Ward No. 35,
Constructed on Nagpur Improvement Trust
Plot No. 86, Central Avenue Road,
Nagpur – 440 018. **NON-APPLICANTS**

Mr. R. M. Sharma, Advocate for Applicant.
None for Non-Applicants.

CORAM: **ROHIT B. DEO, J.**
DATE: **11th JANUARY, 2022.**

ORAL JUDGMENT:

This revision is preferred challenging the judgment dated 03.10.2019 rendered by the Judge, Small Causes Court, Nagpur in Regular Civil Suit 35/2010 which is preferred under Section 16 (1) (a) (e) (g) and (n) of the Maharashtra Rent Control Act, 1999 (Act).

2. The judgment impugned is appealable under Section 34 of the Act.

3. This revision is preferred purportedly invoking the provisions of Section 115 of the Civil Procedure Code read with Section 25 of the Provincial Small Causes Courts Act, 1887.

4. In the teeth of the statutory remedy of appeal, there is no reason why this court should invoke its revisional jurisdiction.

5. The learned counsel for the applicant Mr. Sharma refers to the decision of the Hon'ble Apex Court in ***Trilok Singh Chauhan v. Ram Lal (dead) through legal representatives and others (2018) 2 SCC 566***. The said decision is rendered on the scope and ambit of Section 25 of the Provincial Small Cause Courts

Act. The issue is however, existence of the statutory remedy under the Maharashtra Rent Control Act. Be it noted that the suit is filed under the provisions of the said Rent Act and there is an appellate remedy provided under Section 34.

6. The judgment of the Hon'ble Apex Court is of no assistance to the applicant since the issue involved herein is not touched in the said decision.

7. The revision is dismissed with liberty to take recourse to the statutory remedy, if so advised.

JUDGE

NSN