

Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.383 OF 2023

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Prabodh Prakash Shenai ...Applicant
Represented by his father
Prakash Raghunath Shenai as
Constituted Attorney

V/s.

Haridas Bakaram Kakade & Ors. ...Respondents

Mr. Prakash R. Shenai, Constituted Attorney of the
Applicant present.

**CORAM : MADHAV J. JAMDAR, J.
DATED : JULY 21, 2023**

P.C.:

1. By this Civil Revision Application filed under Section 115 of the Code of Civil Procedure, 1908, challenge is to the legality and validity of the common order dated 25th April, 2023 passed by the learned Judge, Court of Small Causes at Mumbai [Bandra Branch] below Exhibit-59, 64 and 70 in R.A.D. Suit No.120 of 2014.

2. The said impugned order was challenged by the present Applicant before this Court by filing Writ Petition No.7666 of

2023. This Court by order dated 23rd June, 2023, disposed of said Writ Petition by observing that the Petitioner can adopt appropriate alternate proceedings in the light of Full Bench decision of this Court in the case of ***Bhartiben Shah vs. Smt. Gracy Thomas & Ors.***¹. In the said Full Bench decision *inter alia* held that leave to amend the plaint or written statement, where the proposed amendment is for assertion of rights and liabilities under the Rent Act or any other substantive law, the revision lies under Section 34(4) of the Maharashtra Rent Control Act, 1999. It has been also observed by this Court that the amendment application which has been reproduced in the impugned order shows that the same *inter alia* are concerning assertions of rights and liability under the Rent Act or any other substantive law. Therefore, the said Writ Petition was disposed of granting liberty to adopt appropriate proceedings i.e. revision under Section 34(4) of the Maharashtra Rent Control Act, 1999. The revision contemplated under Section 34(4) of the Maharashtra Rent Control Act, 1999 lies with the Bench of two Judges of the Small Causes Court at Mumbai. Therefore, the present Civil Revision Application cannot be entertained.

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3. The Applicant is at liberty to file revision under Section 34(4) of the Maharashtra Rent Control Act, 1999 challenging the impugned order dated 25th April, 2023 passed by the learned Judge of the Court of Small Causes at Mumbai [Bandra Branch] below Exhibit-59, 64 and 70 in R.A.D. Suit No.120 of 2014.

4. Accordingly, the Civil Revision Application is disposed of.

[MADHAV J. JAMDAR, J.]