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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY****CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 11209 OF 2024**

Mangesh Ramchandra Tambade

.. Petitioner

**Versus**

Maruti Bala Rade

.. Respondent

- .....
- Ms.Siddhi Bhosale, for the Petitioner.
- .....

**CORAM : SANDEEP V. MARNE, J.****DATE : AUGUST 13, 2024****P. C.:**

1. The challenge in the present Petition is to the order dated 28/08/2023 passed by the Competent Authority under the provisions of Section 24 of the Maharashtra Rent Control Act, 1999 ('the MRC Act') directing the Petitioner to hand over possession of the application premises with further direction to pay damages @ Rs. 8,000/- per month. The Revision preferred by the Petitioner under the provisions of 44 of the MRC Act has been rejected by the Additional Divisional Commissioner on 27/06/2024.

2. I have heard Ms. Bhosale learned counsel appearing for the Petitioner and have considered the submissions canvassed by her.

3. The only defence that is sought to be raised by the Petitioner is about execution of sale deed by the Respondent in his name by cheating

the Petitioner. The Petitioner contends that he continues to be the owner in respect of the suit premises despite execution of the sale deed dated 12/02/2021. There is no dispute to the position that the Petitioner had already filed a civil Suit for seeking cancellation of the sale deed dated 12/02/2021. License agreement appears to have been executed by Petitioner, which he now seeks to dispute. He also seeks to dispute the nature of the transactions that have taken place between the parties. In the event, the Petitioner succeeds in his civil Suit, the sale deed will be set aside and the Petitioner will be entitled to claim the recovery of possession of the application premises. As of now the entry of the Petitioner in the application premises is clearly linked to the licence agreement which has expired on 30/11/2021. The remit of enquiry before the Competent Authority lies in an extremely narrow compass where the Competent Authority cannot decide the disputes with regard to title of the application premises.

4. In that view of the matter, no serious error can be traced in the orders passed by the Competent Authority and the Revisional Authority. The Writ Petition is accordingly rejected.

5. All questions on the merits of the nature of the transaction are however kept open. In the event of the Petitioner succeeding in the civil Suit, the civil Court would obviously pass necessary orders with regard to handing over possession of the application premises to the Petitioner.

[ SANDEEP V. MARNE, J. ]