

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

WRIT PETITION NO. 11241OF 2024

Sangeeta Sachin Gadewar Since Decd.

Thr. Lrs Sachin R. Gadewar

... Petitioner

Versus

Laximbai Baburao Nirbhavane Since Decd.

Thr. Lrs Suresh Baburao Nirbhavane And Anr

... Respondents

Mr. Lokesh Zade *for Petitioner.*

CORAM : SANDEEP V. MARNE, J.

DATE : 26 AUGUST 2024.

P.C. :

1) The Petition challenges Order dated 6 November 2023 passed by the Competent Authority rejecting the Eviction Application filed by Petitioner under provisions of Section 24 of the Maharashtra Rent Control Act, 1999 (**MRC Act**). The Order of the Competent Authority has been confirmed by the Revisional Authority by rejecting Revision Application by Order dated 2 July 2024.

2) It appears that, there is title dispute between Petitioner and Respondent No.2 relating to the Flat in question. While Petitioner contends that he has purchased the flat from Respondent No.1 through sale deed 14 June 2016, Respondent No. 2 claims that he had purchased the very same flat by way of prior registered agreement for sale executed in the year 2014 by the Special Recovery and Sales Officer of Yashomandir Sahakari Patpedhi Maryadit, Mumbai. Though the learned counsel for the Petitioner has sought to contend that the documents of loan as well as mortgage shown to have been created in favour of the said Credit Society are forged, and consequently the agreement for sale does not invest any title in favour of Respondent No.2, in my view the said issues cannot be gone by the Competent Authority. If Petitioners believe that the agreement for sale executed in the year 2014 in favour of Respondent No.2 does not invest any title in him, it is for the Petitioner to take necessary steps to set up a challenge to the said agreement in the Court of competent jurisdiction.

3) In the light of existence of clear dispute of title with regard to the application premises, the Competent Authority has rightly refused to exercise jurisdiction under Section 24 of the MRC Act. No error therefore, can be traced in the orders passed by the Competent Authority and the Revisional Authority. Writ Petition is accordingly rejected, leaving open all the contentions of the Petitioner to adopt necessary remedies in respect of his claim for title in respect of the Application premises.

[SANDEEP V. MARNE, J.]