

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

CIVIL REVISION APPLICATION NO.623 OF 2024

Janardan Narsayya BhandariApplicant

V/S

Dattu @ Dattatraya Mallayya BhandariRespondent

Mr. Raju Suryawanshi *for the Applicant.*

CORAM: SANDEEP V. MARNE, J.
DATE : 09 DECEMBER 2024.

P.C.:

1 The Petition challenges the order dated 11 November 2024 passed by the Civil Judge Senior Division, Bhiwandi, rejecting the Application filed by the Petitioner at Exhibit-28 seeking rejection of the plaint under provisions of Order VII, Rule 11(d) of the Code of Civil Procedure, 1908. **(the Code)**

2 I have heard Mr. Suryawanshi, the learned counsel appearing for the Petitioner and have considered the submissions canvassed by him.

3 Perusal of the plaint would show that the suit is essentially for eviction of the Defendant as a tenant on various grounds enumerated under section 16 of the Maharashtra Rent Control Act, 1999 **(MRC Act)**. Alternatively the Plaintiff has claimed

that in the event of Defendant not being held as tenant, the Defendant is 'licensee ex gratia' and that therefore upon termination of license, he must vacate the suit premises. There is no doubt to the position that both the Rent Act Suit for eviction of a protected tenant as well as suit for eviction of gratuitous licensee would lie before the Rent Court. Thus though the suit contains alternate prayer for eviction of licensee, even that prayer would lie before the same Court.

4 Mr. Suryawanshi has relied upon judgment of the Division Bench of Gujarat High Court in ***Govindbhai Parshottamdas Patel and others vs. New Shorrock Mills Nadiad***, AIR 1984 Gujarat 182. However in that case, eviction of Defendant therein was sought as a licensee before the Court of ordinary civil jurisdiction. Defendant therein claimed status of a tenant. Therefore the relief sought for eviction of a licensee before the Court of ordinary civil jurisdiction was held to be incapable of being clubbed the relief for eviction of Defendant as a tenant, which relief could only be sought before the Rent Court. In the present case, the relief of recovery of possession of the suit premises from tenant as well as licensee would both lie before the same Court. In that view of the matter, I do not find any reason to interfere in the impugned order. Writ Petition is accordingly **rejected**.