

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 569 OF 2025

Kishor Bhalchandra Mirajkar

...Applicant

Versus

Jagdish Omkarnath Mishra Proprietor of
M/s. Omkar Developers

...Respondent

Mr. Vishal Patil, for Applicant

Ms. Rajni Patil (through v.c.) for Respondent

CORAM: MADHAV J. JAMDAR, J.

DATED: 08 DECEMBER 2025

P.C.:

1. Heard, Mr. Vishal Patil, learned Counsel appearing for the Applicant, and Ms. Rajni Patil, learned Counsel appearing for the Respondent.

2. By the present Civil Revision Application, the Applicant is challenging the legality and validity of the order dated 4th September, 2025 passed by learned Jt. Civil Judge, Junior Division, Thane below Exhibit '26' in Regular Civil Suit No. 67 of 2021. The said application has been filed by the Defendant-Tenant under Order 7, Rule 11 of Code of Civil Procedure, 1908 ("**CPC**") for rejection of the Plaint on the ground that Plaintiff has no *locus standi* to institute the suit.

3. The perusal of the record shows that the suit has been instituted

under the provisions of the Maharashtra Rent Control Act, 1999 (“**MRC Act**”). In the Complaint the Respondent – Plaintiff has stated that the Plaintiff is the lawful owner of the land and structure previously known as Jugnubai Chawl, now known as Omkar House, situated at CIS no. 55, Tikka No. 8, Opp. Municipality School No.7, Uthalsar, Thane (W) and the Applicant – Defendant is the tenant of the Plaintiff.

4. It is the submission of Mr. Patil that Plaintiff is not exclusive owner of the property and he has filed the suit in his individual capacity when the suit property belongs to the partnership firm and plaintiff is only one of the partners of that partnership firm.

5. However, learned Trial Court has recorded that although the property is shown as per the property card in the name of Omkar Developer - through partner - Jagdish Omkarnath Mishra, however, the plaintiff has produced on record a dissolution deed of the partnership firm and therefore the plaintiff i.e. Jagdish Omprakash Mishra is proprietor.

6. In any case, the definition of “landlord” as defined under Section 7 of sub-section 3 of the MRC Act is very wide and even the landlord means any person who for the time being receiving or entitled to receive rent in respect of any premises, whether on his own account or on behalf or for the benefit of any other person or the trustee, guardian or receiver for any other person. It is an admitted position that the

Applicant is paying rent to the Respondent. Thus, no case is made out for the rejection of Plaint by exercising power under Order VII Rule 11 of the CPC.

7. Accordingly, there is no substance in the Civil Revision Application. The Civil Revision Application is dismissed, however with no order as to costs.

[MADHAV J. JAMDAR, J.]