IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 106 OF 2026

SEEMA AMBADAS HUNDEKAR ALIAS MRS. SEEMA RAJU GUNJAL ...APPLICANT

Versus

MEHMOOD MEHENDI KHAN ...RESPONDENT

Mr. Arvind Dhanraj Aswani, *learned counsel for the Applicant.*

None for the Respondent.

CORAM : ARUN R. PEDNEKER, J.

DATE : 5th OCTOBER, 2026.

Per Court :

1. None present for the Respondent.

2. Heard learned counsel appearing for the Applicant and perused the record.

3. The brief facts giving rise to the present Civil Revision Application are that Regular Civil Suit No. 166 of 2021 was filed by the Respondent/Original Plaintiff before the learned Small Causes Court, Pune, seeking declaration and injunction under Section 15(1) of the Maharashtra Rent Control Act, 1999, alleging unlawful eviction/dispossession from the suit property bearing Survey No.

107/1A, admeasuring 1700 sq. ft., situated at Chaturshingi, Pune. The Applicant/Original Defendant challenged the maintainability of the suit by filing an application below Exhibit-22 under Order VII Rule 11(a) read with Rule 11(d) of the Code of Civil Procedure, 1908, contending, *inter alia*, that the plaint disclosed no cause of action, that the suit was barred by law and that the Small Causes Court lacked jurisdiction. The said application came to be rejected by the Trial Court by order dated 13th February, 2024, which is challenged in the present Civil Revision Application.

4. It is contended by the Applicant that the suit property was initially occupied by her father-in-law-Genu Chimaji Gunjal, whose possession devolved upon her husband-Raju Genu Gunjal under a Will dated 13th November, 1998 and thereafter upon the Applicant under a Will dated 6th December, 2012. The Applicant thereafter entered into registered Leave and License Agreements with the Respondent dated 2nd March, 2014 and 4th October, 2017, the latter being valid up to 30th November, 2020. By letter dated 31st December, 2020, the Applicant expressed her intention not to continue the arrangement and according to the Applicant, the Respondent vacated the suit property and handed over peaceful possession on 15th April, 2021. However, the Respondent subsequently filed the suit alleging forcible eviction without specifying the date of alleged dispossession. The Applicant's application under Order VII, Rule 11 of the Code of Civil Procedure,

1908 ("**CPC**") was thereafter argued on 13th February, 2024, but the learned Trial Court rejected the same, leading to the present challenge under Section 115 of the CPC.

5. Learned counsel submits that the Trial Court had no jurisdiction to entertain the suit, as the Plaintiff is not in possession of the suit premises, nor he is the landlord.

6. Learned Trial Court has observed that the issues of maintainability of the suit, cause of action and the jurisdiction have to be decided on the merits and on the basis of evidence. I do not see any error in it.

7. The jurisdiction to entertain the suit has to be decided on perusal of the plaint. The contentions raised by the Applicant have to be established by the evidence before the learned Trial Court.

8. In view of the above, Civil Revision Application stands dismissed and disposed of accordingly.

[ARUN R. PEDNEKER, J.]

GITALAXMI KRISHNA KOTAWADEKAR
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