

MHBU070006642016



Order Below Application (Exh. 93).

(Passed on 22.11.2022)

1. Present application is moved by the defendant Under Order 7 Rule 11 and Sec. 151 of CPC for dismissal of the suit.
2. In the application, the defendant has claimed that recently State of Maharashtra has issued notification and it is declared that the provisions of Maharashtra Rent Control Act, 1999 shall not apply to the premises belonging to Shri. Gajanan Maharaj Sansthan Shegaon, Dist. Buldana, except the premises let-out by the Sansthan to the shop-keepers or shop-holders, who have filed the Spl. Civil Suit No. 29/2012 in The Court of Civil Judge (Sr.Dn.) Khamgaon. The defendant has pointed out that this suit has been instituted under the provisions of Maharashtra Rent Control Act and in view of aforesaid notification, this suit is not maintainable. On this ground, the defendant has prayed for dismissal of the suit.
3. The plaintiff has filed his Say vide Exh. 96 and contested the applicant. In the Say (Exh 96), the plaintiff has pointed out that the Notification pointed out by the defendant is not applicable to this suit. As per plaintiff, since it is plaintiff of Spl. Civil Suit No. 29/2012, which is pending before The Court of Civil Judge (Sr. Dn.) Khamgaon, this application is not tenable. With such short submission, it was prayed to reject the application.
4. Heard both sides.
5. The defendant has filed copy of the Notification No. MBHAKA-2011/CR.211/GND-1 of Dt. 15 January, 2021. By this

Notification, the Government of Maharashtra has declared that all the provisions of Maharashtra Rent Control Act, 1999 shall not apply to the premises belonging to Shri. Gajanna Maharaj Sansthan, Shegaon, Dist. Buldana except the premises let-out by the Sansthan to the shop keepers and the shop holders, who have filed the Spl. Civil Suit No. 29/2012 in the Court of Civil Judge (Sr.Dn) Khamgaon.

6. On bare perusal of this Notification, it can be seen that the Government of Maharashtra has declared non application of Maharashtra Rent Control Act, 1999 to the premises belonging to Shri. Gajanan Maharaj Sansthan, except the premises let-out by the Sansthan to the shopkeepers or shop-holders. This means the Maharashtra Rent Control Act is applicable to the dispute arising in between the Sansthan and the shop keepers and the shop-holders, who are parties to the Spl. Civil Suit No. 29/2012. The notification do not preclude the Sansthan or the shopkeepers or the shop-holders, who are parties of Spl. Civil Suit No.29/2012 from instituting fresh suit under the Maharashtra Rent Control Act. It appears that the defendant has misunderstood and restricted the Notification up to aforesaid Spl. Suit only and under such misconception, this application has been moved. The application is devoid of merit and it deserves to be rejected and therefore, I am passing following order.

Order

Application (Exh. 93) is hereby rejected.

Sd/-

(J.R Ghadge)

Civil Judge Junior Division
Shegaon, Dist. Buldana.

Place : Shegaon.
Date : 22.11.2022.

I, *K.S. Deshmukh*, Stenographer of C.J.J.D. & J.M.F.C. Court No.1, Shegaon affirm that the contents of this P.D.F. file order is correct word to word as per the Original Order.