

IN THE COURT OF JOINT CIVIL JUDGE JUNIOR DIVISION,
KALYAN

MHTH080008282024

R.C.S./399/2024



Bhagubai Ganpat Deokar

Vs.

CHETK HOUSING CORPORATION LTD

Private Registered Company Officer

Shri Chetak Manohar Shet

Order below Exh. 1

The present suit is filed for declaration and injunction against the defendant.

02. Perused the proceeding. According to the plaintiff, he is tenant and the defendant is the landlord of the disputed property. During the pendency of the present suit, the plaintiff has filed application under Order 1 Rule 10 of the Civil Procedure Code below Exh. 14. After hearing of both sides, the application below Exh. 14 has been allowed and The Kalyan Dombivli Municipal Corporation added as defendant Nos. 2 to 4. Thereafter, the plaintiff has filed application below Exh. 18 for amendment in the plaint. The said application also allowed. As per the amendment the plaintiff seeking declaration against defendant Nos. 2 to 4 that the order passed by defendant No. 3 dt. 02/05/2025 is illegal.

03. As such, now the corporation is the defendants to the present suit. Considering the reliefs claimed against the corporation, the present suit required to decide by the Special Corporation Court.

04. The advocate for the plaintiff submitted that the

defendant Nos. 2 to 4 had issued letter to police department for providing the police aid for demolishing the suit property. Heard both sides. Considering the urgency in the present case, the defendant Nos. 2 to 4 are required to restrain for demolishing the suit house till appearance before the special Court. As discussed above, the present suit required to transfer to the Special Court i.e. 4th Jt. C.J.S.D., Kalyan. In the result, I pass following order.

ORDER

- 01] Issue request letter to the Hon'ble Principal District Judge, Thane as per the Para 233 of Civil Manual for transferring the suit in the special Municipal Corporation Court i.e. the 4th Jt. C.J.S.D., Kalyan
- 02] Defendant Nos. 2 to 4 are hereby temporary restrained for demolishing the suit house, otherwise than due course of law till first hearing before the Special Court.

Date : 01/10/2025
Kalyan

(Santosh H. Age)
Jt. Civil Judge, J.D. Kalyan