



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

CIVIL REVISION APPLICATION NO. 283 OF 2022

Maharashtra Tourism Development
Corporation Limited, Thr. C.A. Mr.
Sanjay S. Dhekane Sr. Mgr. (Legal) ...Applicant

vs.

Indian Express Newspapers (Bombay)
Pvt. Ltd. ...Respondent

Mr. S. M. Gorwadkar Senior Advocate a/w Mr. Sujay Gangal i/by Ms.
Kavita N. Solunke - Advocate for the Applicant
Ms. Ranjana Parikh a/w Amol Joshi, Tejaswi Ghag i/by Ms. Poorvi Kamani
- Advocate for the Respondent

CORAM : S. M. MODAK, J.

DATE : 19th SEPTEMBER, 2022

P.C. :-

1. Heard learned Senior Advocate Shri S. M. Gorwadkar for the Applicant in part and also heard learned Advocate Ms. Ranjana Parikh for the Respondent in part.

2. The decree of eviction passed by the Court of Small Causes was confirmed upto Hon'ble Apex Court. It is undisputed fact. The Order of the Appellate Bench of the Small Cause Court thereby dismissing the Appeal filed by the present Applicant is challenged herein. By the said Order the Appellate bench confirmed the Order passed by the trial Court thereby quantifying the amount of the mesne profits.



3. The contention of the learned Advocate Shri Gorwadkar is that there are correspondence on record which suggests that Government of Maharashtra in fact is tenant and they have not been joined as party defendant and as such this issue concerns with the jurisdiction of the Court of Small Causes under Section 41 of the Presidency Small Cause Courts Act and Section 3 (1)(a) of the Maharashtra Rent Control Act, 1999. Whereas it is submitted on behalf of the Respondent that the present Applicant /defendant has admitted the relationship between the plaintiffs and themselves as landlord and tenant and she invited my attention to the averments in the plaint and written statement.
4. For paucity of time, further hearing could not be taken.
5. For assistance of the Court, both the sides are directed to mark relevant portion from the judgments which either deals with this issue or observation, if any.
6. Matter be kept on 10/10/2022 at 2.30 p.m..

[S. M. MODAK, J.]