

**BEFORE THE COMPETENT AUTHORITY, RENT CONTROL ACT
COURT, NAGPUR DIVISION, NAGPUR.**

Rent Control New Case No. 20/2023

Nitin Vs Deepak

Order Below Exh 16

1. Present application is filed by the non applicant under Order VII Rule XI of the Civil Procedure Code (Hereinafter referred to as CPC for brevity). He submitted that present proceeding is filed under Section 24 of the Maharashtra Rent Control Act (Act for brevity). In the year 2015 he wanted to reconstruct his house as such his wife requested the applicant for temporary accommodation in their house No. 78, Bezonbagh, Nagpur (disputed premises). It was decided between them to use the disputed premises for two years. But wife of non applicant passed away due to serious ailment on 23.11.2018. thereafter being asked on several occasions non applicant refused to hand over possession of the disputed premises. On these grounds present application is filed.
2. Non applicant want to defend the claim on the ground that there was partition and from the same disputed premises fallen to the share of his wife specifically first floor. As such non applicant has right to occupy the disputed premises by virtue of partition deed. Hence by way of present application according to him there is absolutely no cause of action for filing the present application. There is serious dispute as to title of the disputed premises which is ousted to be decided by this Authority.

Applicant has not complied with the statutory requirement of issuing notice prior notice as provided under Section 15 of the Act. There is no relationship of landlord and tenant between the parties as required by the Act. There is no any rent agreement on record. On these grounds non applicant prayed to reject the application under given provision.

3. Applicant filed his say on the present application vide Exh. 17 and submitted that evidence of the applicant is already recorded and at this belated stage present application is not maintainable. He denied all the contention made in the application and prayed to reject the application on the ground it being not tenable before this Authority.
4. Non applicant in support of his application relied on the judgment of Hon. Gujrat High Court in the matter of Mahendrasinh Zala Vs Kantaben Agarwal in Special Civil Applciation No. 8285 of 2019 decided on 12.06.2019. Wherein Hon High Court held that application under Order VII Rule XI is maintainable at any stage of the proceeding.
5. Next authority relied on by the non applicant is judgment of Hon. Bombay High Court in the matter of Vikas Dhavan VS Shahin Jugari in Writ Petition No. 13003 of 2024 decided on 14.10.2024 wherein Hon. High Court held that Competent Authority does not have any jurisdiction to determine inter se disputes relating to the title of the premises.
6. He next relied on the is judgment of Hon. Bombay High Court in the matter of Yashvant More Vs Kamal Bhoir in Writ Petition No. 15837 of 2022 decided on 05.12.2023 wherein Hon. High Court held that for an

application for eviction under Section 24 must clearly establish the existence of a valid leave and license agreement.

7. Last authority relied on by the non applicant is the judgment of Hon. Bombay High Court in the matter of Farida Tharani Vs Asma Shaikh in Writ Petition No. 4794 of 2018 decided on 07.08.2018 wherein Hon. High Court held that Section 24(1) of the Act does not deal with gratuitous licensee.
8. Perused application and say. Heard advocate of the non applicant. Applicant failed to argue in spite of sufficient opportunity. Admittedly present application is filed under Section 24 of the Act. Before going into merit of the application it is important to note here that this is Competent Authority established under Section 40 of the Act. Section 42 of the Act deals with the limited powers given to this Authority. Except those powers mentioned in Section 42 this Authority is not competent to grant any other relief. Authority has no power like Civil Court to deal with the application under Order VII Rule XI CPC. Therefore for want of specific power present application being not maintainable stands rejected.

Date: 06/04/2026

(Smt. Ranjana Vijay Kamble)
Competent Authority,
Rent Control Act Court,
Nagpur Division, Nagpur.