



Swapnil

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2367 OF 2020**

Shaikh Ismail Mohammed. ...Petitioner
Vs.
Shree Thirthankar Company and Anr. ...Respondents

Mr. Akshay Pawar a/w. Mr. Vasim Siddiqui, Mr. Faiz Ali Khan
for the petitioner.

Adv. Presha Naik i/b. Mr. Pradip Naik for respondent no.1.

CORAM : GAURI GODSE, J.

DATE : 16th SEPTEMBER 2026

ORDER :

1. This writ petition is filed by the original defendant to challenge the concurrent orders passed by the executing court dismissing his application raising objection to the execution of the eviction decree.

2. Learned counsel for the petitioner submits that when the suit was filed, the conveyance deed in favour of the plaintiff was not registered and the plaintiff had no title to file the suit. He further submits that in view of the conveyance deed executed after the eviction decree is passed, it is clear that the plaintiff had no title or any right to prosecute the suit

for eviction. He, therefore, submits that the executing court was required to decide the objections raised by the petitioner.

3. I have perused the papers of the writ petition. There is no dispute that the defendant was inducted in the suit premises by the plaintiff. There is also no dispute that the plaintiff is the rent collector. In view of these admitted facts, both the courts have rightly refused to entertain the objections raised by the defendant. In view of the definition of a 'landlord' under Section 7 (3) of the Maharashtra Rent Control Act 1999, the plaintiff was entitled to file the suit.

4. I do not see any illegality or perversity in the reasons recorded in the impugned orders warranting any interference in the discretionary jurisdiction under Article 227 of the Constitution of India.

5. The writ petition is dismissed.

[GAURI GODSE, J.]