

(1976) 12 BOM CK 0013

In the Bombay High Court

Case No : Civil Revision Application No. 611 of 1973 with C. R. A. No's. 612 and 613 of 1973

Nagnath Revansidhappa Cholkhane

APPELLANT

Vs

Osmansaheb Mohammedsaheb Pangaonkar

RESPONDENT

Date of Decision : 03-12-1976

Acts Referred:

Bombay Civil Courts Act, 1869 — Section 17
Civil Procedure Code, 1908 (CPC) — Section 115
Criminal Procedure Code, 1973 (CrPC) — Section 10

Citation : (1977) MhLj 491

Hon'ble Judges : R.A. Jahagirdar, J;M.S. Apte, J

Bench : Division Bench

Advocate : R.M. Agarwal, for the Appellant; M.P. Kanade, for the Respondent

Judgement

Jahagirdar, J.—All these three Petitions are being heard and disposed of by this common judgment as they involve a common question of law affecting the jurisdiction of an Assistant Judge who heard and disposed of appeals under the Hyderabad Houses (Rent, Eviction and Lease) Control Act, 1954, hereinafter referred to for brevity's sake as Hyderabad Rent Act. In all these petitions the tenant is the Petitioner and the landlord is the Respondent. These three revision applications arise out of three proceedings between the Petitioner and the Respondent in the circumstances to be mentioned hereafter. The Petitioner has been a tenant of a small shop of which the Respondent is the landlord since the year 1960 and though the rent of the suit shop was different and varied from time to time ultimately by a rent note of 22nd October 1968 the rent of the premises came to be fixed at Rs. 26 p. m. The petitioner appears to have fallen in arrears of rent for nearly 10 months as result of which the Respondent served upon him a notice dated 9th March 1970 calling upon him to tender the entire arrears of rent. Since there was no compliance with this notice, the Respondent filed a small cause suit which was numbered as 41 of 1970 on 31st March 1970 and that suit was decreed on 23rd November 1970 for the entire amount

claimed. Similarly the suit for arrears of rent from March to December 1970 was filed by the landlord and in that suit the entire amount due was deposited by the Petitioner along with the written statement.

2. The Respondent thereafter filed an application which was numbered as 1970/RCA/16 before the Rent Controller under the Hyderabad Rent Act for possession of the suit premises on the ground of default in the payment of rent. This application was dismissed by the Rent Controller by his judgment and order dated 13th September 1971. Against this the respondent preferred an appeal to the Assistant Judge at Latur and this appeal which was numbered as Civil Appeal No. 215 of 1971 was allowed by the learned Assistant Judge by his judgment and order dated 27th July 1973. Against this order Civil Revision Application No. 612 of 1973 has been filed.

3. We must also mention that almost parallel with these proceedings there were two other proceedings one of them was an application bearing No. 1971 /RCA/3 filed by the landlord for eviction on the ground that there was default in payment of arrears of rent and that application was dismissed by the Rent Controller by his order dated 13th September 1971 on which- date he also dismissed the earlier application. Against this the Respondent preferred an appeal being Civil Appeal No, 214 of 1971 which was allowed by the Assistant Judge by his judgment and order dated 27th July 1973. Against this order of the learned Assistant Judge the petitioner has preferred Civil Revision Application No. 611 of 1973.

4. The Petitioner also had made an application before the Rent Controller u/s 9 of the Rent Control Act for fixation of the standard rent and this application was numbered as 1970 /RCA/18. On this application the Rent Controller passed an order on 13th September 1971 fixing the standard rent at Rs. 26 p. m. Against this order the petitioner preferred, an appeal being Civil Appeal No. 239 of 1971 and the Assistant Judge at Latur, dismissed the said appeal by his judgment and order, dated 27 th July, 1973. (Against this order of the learned Assistant Judge the petitioner - tenant preferred Civil Revision Application No.613 of 1973

5. It is thus seen that there were three proceedings - before the Rent Controller-two initiated by the landlord though on different dates and one initiated by the tenant. The orders in all these proceedings were passed on the same day by the Rent Controller and similarly the appeals which had been preferred by the parties were heard and disposed of by the learned Assistant Judge though. By different judgments on the same day. All the three petitions which are preferred by the Petitioner - tenant seek to quash the orders passed by the Assistant Judge two; of which are for evicting the petitioner from the suit premises and the third is. confirming the standard rent fixed by the learned Rent Controller. The petitions had originally come up for hearing before the learned Chief Justice who has referred the same to the Division Bench for hearing and disposal as he thought that the point of jurisdiction raised by the petitioner in all these petitions is of some importance likely to affect a large number of matters.

6. Before we consider appearing for the parties before us we must notice the relevant provisions of law giving rise to several contentions of the learned Advocates As already mentioned the matters arise under the Hyderabad Rent Control Act That Act is Hyderabad Act No. of 1954 The Act provides for appointment of Rent Controller u/s 9 of the said Act the Controller is empowered to fix a fair rent for a house let to a tenant on an application made by the landlord or by the tenant after holding a summary inquiry Section 15 of the Act provides for those cases where the landlord may apply to the Controller for eviction of the tenant The Rent Controller thus may pass in order fixing a fair rent u/s 9 of the Act and he may pass an order allowing or dismissing an application made by the landlord for eviction of the tenant u/s 15 of the Rent Act. Against these orders there is an appeal provided u/s 25 of the Act and the said appeal has to be filed within 30 days from the date of the order of the Rent Controller. Sub-section (1) of section 25 of the Act must be reproduced :

Notwithstanding anything contained in any law for the time being in force, an appeal from an order made by the Controller shall lie within 30 days from the date of such order to the District Judge. In computing the said period of 30 days, the time taken in obtaining a certified copy of the order appealed against shall be excluded.

The subsequent sub-sections of section 25 provide briefly for the procedure which is to be followed by the appellate authority. There is also a provisions in the Hyderabad Rent Act for the exercise of the revisional jurisdiction of the High Court over the appellate authority. Section 26 provides that notwithstanding anything contained in this Act or any other law for the time being in force, an application for revision shall lie to the High Court from any final order passed on appeal by an appellate authority on the grounds which are mentioned in the said section. Those grounds are analogous to the grounds to be found in section 115 of the Civil Procedure Code, 1908.

7. Mr. Agarwal, the learned Advocate appearing for the Petitioner in all these petitions, has raised a contention which goes to the very root of the jurisdiction of the learned Assistant Judge to hear and decide an appeal preferred u/s 25 of the Hyderabad Rent Act from an order passed by the Rent Controller. Mr. Agarwal says that the District Judge to whom an appeal lies u/s 25 of the Act is persona designate who must hear the appeal himself and who cannot transfer it to any other judicial authority though under the Bombay Civil Courts Act an Assistant Judge may hear an appeal which lies to the District Judge under the circumstances mentioned in section 17 of the said Act. The Assistant Judge cannot hear an appeal like the one u/s 25 of the Hyderabad Rent Act because it is the District Judge and the District Judge alone who has been empowered to hear and dispose of that appeal. He further pointed out that though the term "District Judge" has not been defined under the Hyderabad Rent Act, he is easily identifiable if one looks at the Hyderabad Civil Courts Act, 1954 which was Act No. XXXVI of 1954. Though this Act has been subsequently repealed by Bombay

Act No. 94 of 1958 with effect from 1st April 1959, it was in force at the relevant time when the Hyderabad Rent Act was also in operation. u/s 4 of the Hyderabad Civil Courts Act the Government was empowered to establish a Court of District Judge for each District or for more than one District and appoint a District Judge for each District or Districts. By the same section the Government was also empowered to appoint one or more Additional District Judges, for one or more such Districts. It was clear therefore, according to Mr. Agarwal, that there was not only a District Judge but there was also one or more Additional District Judges who could be appointed by the State Government. As section 4 of the Hyderabad Civil Courts Act shows, there could be a District Court consisting of a District Judge and one or more Additional District Judges. If, therefore, section 25 of the Hyderabad Rent Act provides that an appeal shall lie to the District Judge, the District Judge alone can hear and dispose of the appeal since the appeal did not lie to the District Court. It is true that Hyderabad Civil Courts Act of 1954 is Act No. 36 of 1954 whereas the Hyderabad Rent Act is Act No. 20 of 1954 but Mr. Kanade for the Respondent conceded that Act No. 36 of 1954 was an Act re-enacting the law regarding the Civil Courts and even prior to the passing of this Act there was, as in section 4 of this Act, provision for the appointment of Additional District Judges in addition to the District Judge.

8. Mr. Kanade, who appears for the Respondent in all the three petitions, tried to repel these arguments by contending that the District Judge who is appointed by the Government to perform judicial functions cannot be termed "persona designate" but an officer constituting a Court who could therefore hear an appeal by himself or transfer it to another duly authorised person such as the Assistant Judge u/s 17 of the Bombay Civil Courts Act which is presently applicable to the area in question. According to Mr. Kanade prior to 1st April 1959 when the Hyderabad Civil Courts Act was applicable an Additional District Judge was authorised to discharge all or any of the functions of the District Judge under the Hyderabad Civil Courts Act or any other law for the time being in force which the District Judge may assign to him and in exercise of those functions an Additional District Judge was authorised to exercise the same powers as those of the District Judge. If therefore an appeal was provided by section 25 of the Hyderabad Rent Act to the District Judge the District Judge under the provisions of section 4 (3) could assign to an Additional District Judge the functions of the appellate authority under the Hyderabad Rent Act. After 1st April 1959 a District Judge may now assign an appeal to an Assistant Judge as provided u/s 17 of the Bombay Civil Courts Act. Both the learned Advocates also advanced arguments on the question whether the Rent Controller appointed under the Hyderabad Rent Act was also a Court or a mere persona designata but we refrain from deciding that question as all the Petitions can be disposed of by deciding whether the District Judge hearing appeals u/s 25 of the Hyderabad Rent Act is a persona designata or a Court.

9. A brief review of the case law is inevitable. One of the earliest decisions to which reference must be made is T.A. Balkrishna Udayar v. Vasudeva Aiyar A I R

1917 P C 71=19 B L R 715 (P C) That was a case under the Religious Endowments Act (XX of 1863). The District Judge of Tanjore by an order dated 19th July 1913 had appointed the appellant before the Privy Council a life member of the Devasthanam (Temple) Committee of Negapatam. That order of the District Judge had been set aside by the High Court leading the appellant therein to the Privy Council. Section 10 of the Act provided that whenever any vacancy shall occur among the members of the committee a new member shall be elected to fill the vacancy by the persons interested. It also provided that the remaining members of the Committee shall as soon as possible fill the vacancy by an election the mode of which was provided by that section itself. This section further provides that if any vacancy was not filled up by such election within the time permitted the Civil Court which was defined as principal Court of original Civil Jurisdiction, on an application made by any person, might appoint a person to fill the vacancy or might order that the vacancy be forthwith filled up by remaining members of the Committee.

10. As order the nature and details of which need not be noticed by us at this moment was passed by the District Judge against which the respondent before the Privy Council preferred a petition to the High Court for exercising its revisional jurisdiction u/s 115 of the Code of Civil Procedure. The High Court exercising that jurisdiction set aside the order of the learned District Judge and that is how the matter went before the Privy Council before whom one question agitated was whether the District Judge was a Court subordinate to the High Court, within the meaning of section 115 of the Code of Civil Procedure. It was clear to their Lordship as stated in that judgment that the Civil Court exercised its powers as a Court of law, not merely as a *persona designata* whose determinations are to be treated as judgments of a legal tribunal and therefore, the Civil Court under the said law was held to be a Court subordinate to the High Court u/s 115 of the Code of Civil Procedure.

11. We must also refer to some of the decisions of our own High Court which interpreted the provisions of certain municipal laws which provided for adjudication of disputes arising under these laws. The earliest decision is *Balaji Sakhaarant Gurav v. Merwanji Nowroji Antia* I L R Bom. 279. In that case the question was whether the District Judge who was to decide the validity of an election of a Municipal Commissioner u/s 23 of the Bombay District Municipal Act was a *persona designata* or a Court which was amenable to the revisional jurisdiction of the High Court under the relevant provision of the then Civil Procedure Code. It was held that he was not "a Court and was merely a *persona designata*". This judgement which seems to have been followed consistently thereafter does not however give specific reasons as to why a District Judge in that case was held a *persona designata* nor does it provide indicia by means of which we could judge as to : whether similar judicial authority is a Court or a *persona designata*. The word "*persona designata*" itself has been defined by P. G. Osborn in his law Dictionary (4th Edition) as

a person pointed out or described as an individual, as opposed to a person ascertained as a, member of a class, or as filing a particular character.

In *The Central Talkies Ltd., Kanpur Vs. Dwarka Prasad*, the Supreme Court approvingly cited the above definition from the Osborn's Concise Law Dictionary and further cited the judgment of Schwabe C.J., of the Madras High Court in *Parthasaradhi Naidu v. Koteswara Rao* AIR 1924 Mad 661 (F. B.)= I LR 47 Mad 369. which defined *persona designata* as -"persons selected to act in their private capacity and not in their capacity as Judges." In *R.S. Navalkar Vs. Mrs. Sarojani Naidu*, the case was relating to an election petition u/s 33. of the, City of Bombay Municipal Act, 1888. The petitioner before the High Court was a candidate defeated in the Municipal election which was held in the City, of Bombay and had unsuccessfully applied to the Chief Judge of the Small Cause Court at Bombay u/s 33 of the City of Bombay Municipal Act, 188.8 to declare the election of Mrs. Sarojini,Naidu invalid on the ground that she was not a duly qualified candidate. After the Chief Judge gave a decision in favour of Mrs. Sarojini Naidu, the petitioner applied to the High Court for exercising its jurisdiction u/s 115 of the Code of Civil Procedure. Macleod C.J. delivering the judgment of Division Bench referred to the decision of the Bombay High Court in *Bhaishankan v. The Municipal Corporation of Bombay* I L R 31 Bom. 604 and held that the Chief Judge of the Small Cause Court at Bombay acting under the powers granted to him by section 33 of the City of Bombay Municipal Act was not a Court subordinate to High Court and that he was a *persona designata*. In *Gangadhar Bapurao Gadre Vs. Hubli Municipality*, it was held that a District Judge passing an order u/s 22 of the Bombay District Municipal Act, 1901, was a *persona designata* and not a Court amenable to the revisional jurisdiction of the High Court u/s 115 of the Civil Procedure Code. We must now refer to another judgment of this Court in the Municipality of Shelapur v. Tuljaram Krishnasa Chavan AIR 1931 Bom. 582=33 Bom. L R 1067 in which a question whether a District Court which acted as an arbitrator u/s 19S of the Bombay City Municipalities Act, 1925, was a Court subordinate to the High Court under the Civil Procedure Code. Reviewing the case law upto that date and in particular referring to the judgment of the Privy Council in *Balkrishna Udayar v. Vasudeva Aiyar Patkar J.*, opined as follows

It appears, therefore, that where a Judge or the presiding officer of a Court as distinguished from the Court itself is directed to perform any authority created by a statute, such a Judge may be considered as a *persona designata* and not a Court, but where a civil Court subordinate to the High Court is constituted an authority to decide the rights between the parties and is directed to perform judicial functions, it is difficult to hold that such a Court is a *persona designata* and not a Court subordinate to the High Court.

12. Here there is more guideline to enable us to decide the question before us. There is further assistance to be derived from another short judgment of a Division Bench of this Court in *Jagmohan Surajmal Marwadi Vs. Venkatesh Gopal*

Ranade, . L R 89. That was a case where the question was whether a judge acting u/s 15 of the Bombay City Municipalities Act, was a Court or was a persona designata. Section 15 of the Bombay City Municipalities Act provided that a District Judge could hear an election petition and give decision thereon. The Division Bench summarized in the following words :

....Under section 15 an application has to be made to the District Court under subsection (1) and an enquiry has then to be held by the District Judge or Assistant Judge specifically empowered under sub-section (2) by Government. The same sub-section then goes on further to empower the specially empowered Judge to summon and enforce the attendance of witnesses and compel them to give evidence as if he were a civil Court

It seems to me that a clearer case of a persona designata is hard to frame. It is not the District Court, but one of its officers who has to be specifically designated

As already mentioned this and other cases to which we are not making further reference were all under the provisions of one or the other law relating to the municipality. Even when the Chief Judge of the Small Cause Court exercised the powers u/s 219 of the City of Bombay Municipal Act, 1888 relating to the fixation of the rateable value of a building was held to be a persona designata by this Court in Ahmed Sulleman Dinath Vs. The Municipal Commissioner of Bombay, All these cases relate to disputes arising under a special law the resolution of which was left to authorities created or designated by the relevant law. These authorities were not exercising their ordinary civil jurisdiction but were exercising a jurisdiction created by that special law and therefore it was held that those authorities were persona designata and not Civil Courts.

13. Mr. Agarwal referred to us to a decision of the Calcutta High Court in *Suhashini Das Vs. Mahendra Kumar Bose*, which was a case under the Calcutta House Rent Control Order (1943) under the provisions of which a permission was required to be obtained from the Rent Controller for filing a suit against the tenant and against the order of the Rent Controller an appeal lay to the District Judge and in the case before the Calcutta High Court the question was whether the District Judge exercising the appellate powers was a Court or a persona designata. The Division Bench of the Calcutta High Court affirming the earlier decision of the same High Court in *Kiron Chandra Bose Vs. Kalidas Chatterji*, held that the District Judge was a persona designata and not a Court-While so holding it was noticed that the power of appeal was given to the District Judge and not to the District Court or to the presiding officer of a District Court,

14. Mr. Agarwal also invited our attention to a decision of the Karnataka High Court in *State of Mysore v. Shankar anarayana Rao* and another I L R 1975 Karnataka 1789 That was a case arising out of a proceeding under Karnataka Public Premises (Eviction of Unauthorised Occupants) Act, 1961, against an order of eviction passed u/s 5 (I) of the said Act, An aggrieved party could file an appeal before the District Judge u/s 10 of the said Act. On examination of the

provisions of the said Act the learned single Judge who heard the revision application came to the conclusion that the term "an appellate officer" in section 10 of the Act indicated that the District Judge must act as an appellate officer with limited jurisdiction to dispose of the appeal in the manner set out by the provisions of section 10 itself and that an appellate officer could not exercise the general power of a District Court. Though the words used in the Act which fell for interpretation before the Karnataka High Court and the words used in the Act which is before us for interpretation are slightly different this itself is not likely to effect the final decision at which we are arriving.

15. It is unnecessary to multiply the authorities but we are bound to refer to one judgment of the Supreme Court on which Mr. Kanade, appearing for the respondent, has very strongly relied. That is the decision in *Central Talkies Ltd. v. Dwarka Prasad* which arises under the provisions of U. P. (Temporary) Control of Rent and Eviction Act. Mr. Kanade contended that the Supreme Court had held that the District Magistrate who has been appointed to perform certain functions u/s 3 of the Act was not a *persona designata* and therefore an Additional Magistrate also could be regarded as possessing the powers of the District Magistrate. This submission of Mr. Kanade fails to notice one very vital distinction between the provisions of that Act and the provisions of the Act under review by us. In the case before the Supreme Court section 2 (1) of the U. P. Act contained the definition of a District Magistrate which definition included an officer authorised by the District Magistrate to perform any of his functions under that Act. Further it was pointed out that by virtue of the provisions contained in section 10 of the Code of Criminal Procedure and read with the definition already referred to above, the Additional District Magistrate could perform the functions of the District Magistrate u/s 3 of the U. P. Act. We are therefore unable to find any support to Mr. Kanade's submission from this decision of the Supreme Court.

16. From the decisions already reviewed, it appears to us that if a special statute creates certain rights and liabilities newly or either by expanding or abridging the rights and the liabilities under the general law and also creates an authority for resolving disputes arising under that law then that authority should ordinarily be regarded as an authority of exclusive jurisdiction to resolve those disputes. It is however possible that a law may create rights and liabilities and the same law may invest the existing hierarchy of Courts with the jurisdiction to deal with all the questions arising under the said Act. In the latter case existing Courts through their judicial officers will be entitled to adjudicate upon the disputes arising under the said Act. If, however, a statute creating a new arena of duties and rights merely designates an officer of a Court in the hierarchy of Courts it will have to be held that such an officer so designated must be a *persona designata*. Nothing prevents the Legislature from either creating a special tribunal or investing existing hierarchy of Courts with additional jurisdiction but if the Legislature chose not to do either but to designate an officer of an existing Court then this officer and not the Court which should be deemed to have jurisdiction to decide those functions under the Act.

17. In the present case section 25 of the Hyderabad Rent Act specifically mentions that "an appeal from an order made by the Controller shall lie to the District Judge." As we have already shown above, the District Judge is a presiding officer of a District Court and is not the whole Court. u/s 4 of the Hyderabad Civil Courts Act, 1954, which governs the area in question, one or more Additional District Judges could be appointed for one or more such Districts and those Additional District Judges were for all purposes of judicial functions like the District Judge himself. The District Judge, though premier of the officers of the District Court, was isolated and designated by the Legislature for the discharge of the appellate functions under the Hyderabad Rent Control Act.

18 Mr Kanade wished to point out that the use of the word "appellate authority" in subsequent sub-sections of section 25 indicates that an authority of the nature of institutional authority rather than individual authority was envisaged and therefore we must interpret the District Judge to mean the District Court. It has been very pertinently pointed out by Mr. Agarwal for the petitioner that the use of the term "appellate authority" is not accidental but deliberate. Prior to 1956 u/s 25 (1) an appeal from the order of the Rent Controller in Hyderabad lay to the Chief Judge of the Small Causes Court in Hyderabad whereas in other areas appeal lay to the District Judge. Subsequent to the joining of the erstwhile Marathwada area to the then State of Bombay, provision relating to the appeal to the principal Judge of the Small Causes Court at Hyderabad was deleted. When there were two appellate authorities in sub-section (1) of section 25 to repeat the full nomenclature of these two appellate authorities in other sub-sections of section 25 would have been monotonous and the Legislature advisedly used a compact word of "appellate authority" to denote both the appellate authorities mentioned in sub-section (1) of section 25. We accept this interpretation put by Mr. Agarwal on this provision.

19. Hyderabad Rent Control Act as other Rent Control Acts are special statutes considerably modifying the rights and liabilities of the parties under the general law and provide special remedies and other forums. The Office of the Rent Controller, which is otherwise unknown under the general law, is created by the provisions of this Act with certain functions. An appeal, which is a creature of statute, is provided by the provisions of section 25 and to the District Judge and not to any other person it will lie. Further it has been provided in section 26 that notwithstanding anything contained in this Act or any other law for the time being in force an application for revision shall lie to the High Court from any final order passed by the appellate authority subject to certain grounds mentioned in that section. We have already mentioned above that those words are analogous to the grounds to be found in section 115 of the Code of Civil Procedure. It must be mentioned at this stage that the Civil Procedure Code, 1908, which has been operative in other parts of Maharashtra was made applicable to the Marathwada region with effect from 1st April 1954 at the time when the Hyderabad Rent Control Act was enacted. At the time when Hyderabad Rent Control Act was enacted therefore the provisions of the CPC were already applicable. If the

District Judge were a Court subordinate to the High Court u/s 115 of the CPC then it was not necessary for the Legislature to make a provision for revisional jurisdiction in section 26 of the Hyderabad Rent Control Act; the High Court would have exercised revisional jurisdiction under the CPC itself. The fact that separate provision had to be made by statute for revision application to the High Court indicates in our opinion that the District Judge was a persona designata who was otherwise not amenable to the revisional jurisdiction of the High Court u/s 115 of the Civil Procedure Code.

20. Section 25 further enjoins upon the appellate authority who is the District Judge to call for the records of the case from the Controller and decide an appeal after giving the parties an opportunity of being heard and if necessary after making such further inquiry as it thinks fit. Sub-section (2) of section 25 further empowers the appellate authority to stay further proceedings" in the matter pending the decision. These are the provisions made specifically for the purpose of guiding the exercise of appellate jurisdiction by the District Judge. If the appellate authority were the Court, then in Order 41 of the CPC there was enough guidance to the appellate authority and it would not be necessary for the Legislature to provide guidelines in section 25 to the appellate authority.

21. These various factors compel us to hold that the District Judge as appellate authority u/s 25 of the Hyderabad Rent Act, is a persona designata and he is not a Court as defined in the Bombay Civil Act or under the Civil Procedure Code. If that is so, then he had no jurisdiction to transfer any appeal preferred to him u/s 25 of the Hyderabad Rent Act to any other Judge including the Assistant Judge. In the case before us it "is not the learned District Judge who has transferred the appeals to the learned Assistant Judge at Latur. The Assistant Judge at Latur has entertained those appeals purporting to act in the pursuance of a notification dated 1st April 1959 issued by the District Judge of Osmanabad. The doubtful legal validity of this notification was argued before us but we refrain from expressing any opinion on the same as it is not necessary to do so for the disposal of these revision applications. It is sufficient for our purpose to hold that if an appeal u/s 25 of the Hyderabad Rent Control Act lay to the District Judge the Assistant Judge at Latur or at any other place had no jurisdiction to entertain and dispose of an appeal under the said section. We accordingly hold that the learned Assistant Judge at Latur acted without jurisdiction in entertaining the appeals. The orders passed by him in all those three appeals are therefore without jurisdiction. We accordingly set aside the orders dated 27th July 1973 passed by the learned Assistant Judge at Latur in Civil Appeals Nos. 215 of 1971, 214 of 1971 and 239 of 1971. The appeals presented by the appellant in those cases were wrongly filed in the Court of the Assistant Judge at Latur and therefore we direct that the appeals may be returned to the parties concerned for presentation to the proper Court, In view of the peculiar facts and circumstances in this case there will be no order as to costs in all the three petitions.