IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7285 OF 2014

Murlidhar Ramchandra Kowli and Ors.] … Petitioners

Versus

Smt. Sitabai Ramchandra Kamat and Ors.] … Respondents

Mr. S. M. Shettigar for Petitioner.
Mr. S. W. Kulkarni for Respondent Nos.1 to 6.

CORAM :- M. S. SONAK, J.
DATE :- JULY 29, 2015

P. C. :-

1. This petition can be disposed of in view of the statement made by the learned Counsel for Respondent Nos.1 to 6 that the Respondents, without prejudice to their rights and contentions, have no objection to the framing of additional Issue Nos.3 and 4 as set out in the Petitioner's application dated 24/06/2013. The two additional issues are as under :-

> "*3. Do the Plaintiffs prove that whether the Defendant No.1 to 6 are not entitled for the protection under Bombay Rent Control Act after the lease period was over, as the Defendant No.1 to 6 are putting/using the suit land for the industrial use ?*

4. Do the Plaintiffs prove that whether the Defendant No.1 to 6 are not entitled for the protection under Bombay Rent Control Act after the lease period was over as the Defendant No.1 to 6 have constructed a building on the suit land and sublet galas therein to the sub-tenant ?'

2. Accordingly, the Trial Court is directed to frame Issue Nos.3 and 4 as aforesaid.

3. Insofar as rest of the issues are concerned, the Trial Court is right that the same do not arise and cannot be framed.

4. Writ Petition is disposed of in the aforesaid terms.

5. All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)