

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.75 OF 2015
WITH
CIVIL APPLICATION NO.178 OF 2015

Rajendraprasad Saraju Vishwakarma ... Appellant
Vs.
Motiram Sitaram Kandangale ... Respondent

Mr. Ganesh Deshmukh for Appellant.
Mr. Ram Upadhyay for Respondent.

CORAM : R. G. KETKAR, J.
DATE : 31ST MARCH, 2015

P.C. :

Heard Mr. Deshmukh, learned Counsel for appellant and Mr. Upadhyay, learned Counsel for respondent.

2. By this Appeal under Section 100 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'), the original defendant has challenged the judgment and decree dated 31.03.2003 passed by the learned II Joint Civil Judge, Junior Division, Kalyan in Regular Civil Suit No.500 of 1993 as also the judgment and decree dated 09.06.2014 passed by the learned District Judge-2, Kalyan in Civil Appeal No.57 of 2003. By these orders, the Courts below decreed the Suit instituted by the respondent under the provisions of Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 (for short 'Act') and directed the appellant to handover the possession of the suit premises to the respondent. In view of Section 29(2) of the Act, Second Appeal is not maintainable.

3. In view thereof, Second Appeal is allowed to be withdrawn with a liberty to institute appropriate proceedings including Civil Revision Application. Office is directed to return the certified copies of the

judgment and decree as also refund Court fees as permissible under the Rules. In view of the disposal of the Appeal, nothing survives in Civil Application for stay and the same is disposed of accordingly.

(R. G. KETKAR, J.)

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