

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR
MISCELLANEOUS CIVIL APPLICATION NO.443/2015
IN
WRIT PETITION NO.1209/2001 (D)

Deepchand Kasturchand Jain
..Versus..
Shri Maheshkumar s/o Bansidhar Khandelwal and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATE : 21.9.2015

Heard Shri A.M. Ghare, advocate for the applicant.

The applicant - original respondent has filed this application seeking review of the judgment passed by this Court in Writ Petition No.1209/2001 on 11th December, 2014.

It is argued that after the Maharashtra Rent Control Act, 1999 came into force, in view of Section 58 of the Maharashtra Rent Control Act, 1999, the C.P. and Berar, Letting of Premises and Rent Control Order, 1949 came to be repealed and Rent Control Order, 1949 was not in existence on the date on which the writ petition was filed. It is

argued that Section 58(2) of the Maharashtra Rent Control Act, 1999 saved the proceedings under the Rent Control Order, 1949 and the proceedings filed under Article 226 of the Constitution were not saved and, therefore, the writ petition was not maintainable. It is argued that as per Clause 21(3) of the Rent Control Order, 1949 the order passed by the Collector is final. It is submitted that this ground is raised in paragraph no.13 of the return filed in the writ petition, however, it is not considered.

The submission as made on behalf of the applicant is misconceived. This Court examined the legality of the orders passed by the Authorities under the provisions of the Rent Control Order, 1949 while considering the challenges raised by the petitioners in the writ petition. The provisions of Section 58 of the Maharashtra Rent Control Act, 1999 cannot control or regulate the extra-ordinary jurisdiction of this Court. The point raised by the applicant - original respondent does not require any consideration in the review jurisdiction. It cannot be said that any error apparent on the face of record has been committed which necessitates the review of the judgment.

Furthermore, the conduct of the applicant - original respondent

in filing the review application by engaging other advocate than the advocate who represented him in the writ petition, is unjustified.

Miscellaneous civil application is dismissed. No costs.

JUDGE

Tambaskar.