

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

Writ Petition No.2648 of 2000

(Shri Sadique Hukumbhai Durbar v. Shri Vinayak Balaji Buty and another)

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

Shri P.A. Markandaywar, Advocate for Petitioner.

Shri H.S. Chitaley, Advocate, holding for Shri Akshay Naik,
Advocate for Respondent No.1.

Coram : R.K. Deshpande, J.

Dated : 24th February, 2015

The Rent Controller has fixed the fair rent at Rs.4/- per square foot in respect of the property in question, and the tenant is directed to pay the arrears from the date of filing of the application, i.e. from 12-11-1986. The challenge is on the ground that the fixation of fair rent should be from the date of passing of the order passed by the Rent Controller, i.e. from 29-10-1998 and should not be from the date of filing of the application on 12-11-1986.

In the decision of the Division Bench of this Court in the case of *Kewalchand Kastoorchand v. Samirmal Jaini and another*, reported in *AIR 1953 Nagpur 146*, it has been held that the Rent Controller has jurisdiction to fix the rent from the date on which the application is moved. In view of this, I do not find any reason to interfere in the orders impugned in this petition.

The petition is dismissed. Rule stands discharged. No costs.

Judge.