

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 2030 OF 2016
AND
WRIT PETITION NO. 2034 OF 2016
AND
WRIT PETITION NO. 2035 OF 2016**

Kalpesh R. Jain and anr.

.. Petitioners

vs.

Prabhavati R. Shah and ors.

.. Respondents

Mr. Nikhil Sakhardande a/w. Shobra Swami a/w. Ansha Amin i/b Chintan Shah for the Petitioner.

Mr. Sudhir Prabhu for Respondent No.1 in W.P. Nos.2030 and 2035 of 2016.

Mr. Abhijit Kadam for Respondent No.1 in WP No. 2034 of 2016.

CORAM : M. S. SONAK, J.

DATE : 16 FEBRUARY 2016.

P.C. :-

1] Not on board. Upon production, taken on board.

2] Mr. Sakhardande, learned counsel for the Petitioners, seeks leave to delete Respondent Nos.2 and 3, in all the petitions, as, their presence is not necessary for the purpose of deciding the issue arising in these petitions. Leave is granted. Necessary amendment to be carried out forthwith.

3] Mr. Abhijit Kadam, learned counsel appears for the Respondent No.1 in Writ Petition No. 2034 of 2016. Mr. Sudhir Prabhu, learned counsel appears for Respondent No.1 in Writ Petition Nos. 2030 and 2035 of 2016.

4] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith, in all the petitions.

5] The challenge in these petitions is to the orders dated 1 February 2016 made by the President, Maharashtra Revenue Tribunal, Mumbai (MRT) seeking to stay further proceedings in Tenancy Revision Application Nos.90 of 2013, 515 of 2013 and 148 of 2014, pending consideration of the transfer applications made by the Respondent No.1.

6] The learned counsel for the Petitioners states that the stay order was brought to their notice whilst the matters were being argued before the learned Member of the MRT and further, the stay orders were made without any notice to the Petitioners. Mr. Sakhardande submits that the matters were assigned to the learned

Member of the MRT taking up revision applications, as, there were standing orders to the effect that the matters in which Advocate Shri. Shivajirao Patil appears, be not placed before the President. In these Tenancy Revision Applications, Mr. Shivajirao Patil appears for some of the Respondents.

7] The learned counsel for Respondent No.1, in the present petitions, have expressed certain apprehensions in respect of learned Member, who is taking up the revision applications.

8] At this stage, it is no doubt, premature to decide whether such apprehensions have any justification or not. However, even if, ultimately, it is found that such apprehensions, have any basis, the matters, perhaps, cannot be taken up by the President. In these circumstances, rather than delay the further proceedings in tenancy revision applications, it would be appropriate if the said tenancy revision applications are directed to be heard by the Member of the Maharashtra Revenue Tribunal at Pune. This is only reasonable a option, as, the Maharashtra Revenue Tribunal at Mumbai comprises the President and the other Member, who was actually taking up revision applications.

9] Accordingly, it is directed that the aforesaid Tenancy Revision Application Nos.90 of 2013, 515 of 2013 and 148 of 2014 be transferred to the Member, Maharashtra Revenue Tribunal at Pune, who shall dispose of the tenancy revision applications, as expeditiously as possible and in any case within a period of two months from the date of production of an authenticated copy of this order.

10] The parties to appear before the Member of the Maharashtra Revenue Tribunal at Pune on 1 March 2016, at 3.00 p.m. and produce an authenticated copy of this order.

11] The President of the MRT is requested to send the records and proceedings in relation to the tenancy revision applications to the Member, Maharashtra Revenue Tribunal at Pune, so as to reach there on or before 1 March 2016.

12] It is made clear that nothing in this order is even remotely, intended to reflect upon any acts of the Hon'ble President or the Hon'ble Members of the MRT. Accordingly, it is made clear that the apprehensions expressed by either of the parties have not been

accepted by this Court and this order has been made in view of the peculiar circumstances indicated hereinabove.

13] Rule is disposed of, in all the petitions, in the aforesaid terms. There shall, however, be no order as to costs. All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)

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