

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4981 OF 2016

Ajay Raju Jeswani ... Petitioner
Vs.
Veena Gianchand Achhra and ors. ... Respondents

Mr. P. D. Dalvi for Petitioner.

CORAM : R. G. KETKAR, J.
DATE : JULY 8, 2016

P.C. :

Heard Mr. Dalvi, learned Counsel for the petitioner at length.

2. By this Petition under Article 227 of the Constitution of India, petitioner has challenged the order dated 02.04.2013 passed by the learned 3rd Joint Civil Judge, Junior Division, Ulhasnagar below exhibit-5 in M.A.No.43 of 2013. By that order, the learned trial Judge disposed of the application filed for fixation of standard rent under Section 8 of the Maharashtra Rent Control Act, 1999 and directed the petitioner herein to pay ad-interim standard rent of Rs.4,000/- per month and permitted increases @ 5% p.a. each year.

3. Mr. Dalvi invited my attention to paragraph 3 of the order wherein the learned trial Judge has recorded that the area of shop is admeasuirng 15' x 55' ft. He submitted that after passing of the impugned order, demolition of the suit premises was carried out by the Municipal Corporation for road widening from Kalyan to Ambernath and 3/4th of the premises has been demolished by the Corporation and presently, the petitioner is in possession of 150 sq.ft. area for conducting his business.

4. As according to the petitioner, this development has taken place

after passing of the impugned order, it will be open to the petitioner to file review petition on this ground. While passing the impugned order, the learned trial Judge proceeded on the premise that the suit premises admeasures 600 sq.ft. Petitioner now claims that after demolition of the suit premises for road widening, the area of the suit premises is 150 sq.ft. In view thereof, Petition is allowed to be withdrawn with liberty to file review petition. It is made clear that I have not examined merits of the proposed proceedings. All contentions of the parties on merits are expressly kept open. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab