

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4436 OF 2015**

Uttar Bhartiya Sangh & Ors.

..Petitioners

Vs.

Kalpanath Hiralal Giri

..Respondent

**Mr. S. C. Naidu a/w Mr. Aniketh Poojary i/b Mr. C. N. Chavan for the
Petitioners**

Mr. P. S. Dani Senior Advocate a/w Ms Geeta Tripathi for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 8th JANUARY, 2016

P.C.

1 The above Petition is directed against the order dated 28-1-2015 by which order, the application filed by the Petitioners Exhibit 11 was partly allowed to the extent of prayer clause (a) was granted, however prayer clauses (b), (c) and (d) were rejected.

2 The Learned Senior Counsel appearing for the Respondent raises an objection to the maintainability of the Petition on the ground that the Petitioners have an alternative efficacious remedy by way of a Revision under Section 34(4) of the Maharashtra Rent Control Act 1999.

3 To this the Learned Counsel appearing for the Petitioners contends that against the rejection of the relief sought vide prayer clause (d) a Revision

would not lie. However the Learned Counsel fairly submits that a Revision would lie against the rejection of prayer clauses (b) and (c). Upon this the Learned Senior Counsel Mr. Dani states that assuming it to be so, the Respondent would not object to the prayer clause (d) also being considered by the Revisional Court. Hence by relegating the Petitioners to the remedy by way of a Revision under Section 34(4) of the Maharashtra Rent Control Act, the above Petition is disposed of.

4 In view of the statement made by the Learned Senior Counsel appearing for the Respondent, the Revisional Court would also consider the relief sought vide prayer clause (d) of the said application Exhibit 11, the same would undoubtedly be on its own merits and in accordance with law. If the issue of limitation arises in the filing of the Revision, the fact that the Petitioners were prosecuting the instant Petition in this Court, can be urged by the Petitioners.

[R.M.SAVANT, J]