

Ajij Ul Haq Arif Ul Haq	...	Petitioner
Vs.		
Naval Pagadiwala through his POA Holder		
Suhas Vijayrao Tingre	...	Respondent

CORAM : R. G. KETKAR, J.
DATE : OCTOBER 01, 2016

Heard Mr. Sakhare, learned Senior Counsel for petitioner at length.

3. Mr. Sakhare has taken me through the Rojnama of the Appeal and submitted that respondent-appellant in the appeal is not interested in pursuing the appeal. Respondent herein had filed appeal through Power of Attorney Suhas Vijayrao Tingre. The learned trial Judge has decreed the Suit under Sections 16(1)(n) and 16(1)(e) of the Maharashtra Rent

Control Act, 1999. Respondent preferred appeal through the Power of Attorney and took out application for stay. That application was rejected by the appellate Court and the said order was confirmed by the Apex Court. In pursuance thereof, plaintiff has obtained possession of the suit premises. He submitted that perusal of the Rojnama would indicate that respondent is not interested in pursuing the appeal.

4. Having regard to the fact that the impugned order is purely discretionary as also respondent has deposited the costs within the stipulated period, I do not find that this is a fit case for invocation of powers under Article 227 of the Constitution of India. Petition fails and the same is dismissed. The learned District Judge is requested to dispose of the appeal as expeditiously as possible and preferably within 6 months from production of the authenticated copy of this order. Parties will extend full co-operation for the earlier disposal of the appeal. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab