

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10216 OF 2014

Mr. Raghunath Mathoba Dalvi

..Petitioner.

Vs

Mr. Madanlal Ramchandra
Parekh & Ors.

.. Respondents

Mr. R.S.Apte, Senior Advocate i/b Sagar Ambedkar, Advocate for
Petitioner.

Ms. Sunanda Kumbhat, Advocate for Respondents no.1 and 2.

CORAM : R.G.KETKAR,J.

DATE : 21/07/2016

PC:

1. Heard Mr.R.S.Apte, learned senior counsel for the petitioner and Ms. Sunanda Kumbhat, learned counsel for the respondents no.1 and 2 at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the Judgment and decree dated 20.8.2014 passed by the learned Ad-hoc District Judge-4, Pune, in Regular Civil Appeal No.8 of 2010. By that order, the learned District Judge allowed the appeal preferred by respondents no.1 and 2, hereinafter referred to as plaintiffs, and quashed and set aside the judgment and decree dated 30.9.2009 passed by the learned Jt. Civil Judge, Jr. Dn., Vadgaon (Maval) in Regular Civil Suit No.52 of 2002. The learned District Judge

decreed the suit instituted by the plaintiffs on the ground of reasonable and bonafide requirement as contemplated by section 16(1)(g) of the Maharashtra Rent Control Act, 1999 (for short, Act).

3. The matter was heard at length in the morning session and was kept back in the afternoon session so as to enable Ms Kumbhat to take instructions as to whether the plaintiffs are consenting for setting aside the impugned order. Ms Kumbhat states that Dr.Pradeep Bhandari, representative of the respondent, is present in the Court. Upon taking instructions from him, she states that by consent the impugned order may be set aside and the learned District Judge may be directed to dispose of the appeal in a time bound manner.

4. In view thereof, by consent of the parties, impugned order dated 20.8.2014 passed by the learned Adhoc District Judge is set aside. Regular Civil Appeal No.8 of 2010 is restored to the file of the learned District Judge.

5. Parties agree that they will appear before the learned District Judge on 1.8.2016 along with authenticated copy of this order and for that purpose fresh notice need not be issued to them.

6. Having regard to the fact that the suit is filed under section 16(1)(g) of the Act, learned District Judge is requested to dispose of the Appeal as expeditiously as possible and in any case within

six months from 1.8.2016. All contentions of the parties on merits are expressly kept open. Rule is made absolute in the aforesaid terms with no order as to costs.

(R.G.KETKAR, J.)