

Sequeira

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION*

WRIT PETITION NO.12853 OF 2016

Deoram Dada Vidhate

.. Petitioner

Vs

Baban Dada Vidhate.

.. Respondent

Mr.Harshad Inamdar, for the Petitioner.

***CORAM : N.M.Jamdar, J.
Tuesday, 22 November 2016.***

Oral Order :

Heard learned counsel for the Petitioner.

2. The Petitioner challenges the order dated 11 July 2014. The Petition is filed on 16 November 2016, i.e. after a gap of almost two years and four months. From the order of the competent authority, the Maharashtra Rent Control Act 1999 has provided a remedy under section 44 of the Act. The section 44 of the Act lays down that power of revision will not be exercised unless the application presented within 90 days of the order is sought to be revised. Chapter VIII which contains section 43 is part of the scheme of summary disposal of the applications wherein the legislative intent of providing a speedy remedy, is clearly manifest.

Section 44 has been interpreted to hold that the power of condoning the delay does not vest in the authority and the application has to be filed within period of 90 days. By initiating the Writ petition after two years and four months of the order of the competent authority, this legislative intent which bars a remedy after period of 90 days cannot be defeated. It is not therefore, possible to entertain the Writ Petition. Writ Petition is accordingly rejected.

(N.M.Jamdar, J.)