

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 1768 OF 2016
IN
WRIT PETITION NO. 7233 OF 2010

Arun Janardhan Mahamuni ...Applicant

Versus

Manik Dagadu Kolekar ...Respondent

Mr. Sachin U. Dhakephalkar a/w. Mr. Somnat Thargal for the
Applicant.

None for the Respondent.

CORAM: G.S. KULKARNI, J.
DATED: 10th August, 2017

PC:-

1. Heard the learned counsel for the applicant. I have also perused the averments in the application. The applicant has prayed that the writ petition (Writ Petition No. 7233 of 2010) be heard at an early date. The cause in the proceedings before the Courts below arises under a leave and license agreement. The same was not registered however, the respondent continued to be in occupation even after the expiry of the leave and license agreement.

2. The applicant had initiated proceedings seeking eviction of the respondent on the leave and license agreement having expired by efflux of time. Though the respondent did not appear in the initial round before the competent authority, the competent authority had held against the applicant which order came to be confirmed in appeal. The applicant therefore had approached this Court. The said orders were set aside and the Revisionary Authority was directed to decide the matter afresh. Again the applicant could not succeed. This is how the present writ petition is filed. The averments indicate that the petitioner is a senior citizen. The premises subject matter of the leave and license agreement, are still in possession of the respondent. Considering the nature of the short controversy and more particularly that the petitioner is a senior citizen, it is in the interest of justice that the petition is heard at an early date.

3. Accordingly, the civil application is allowed. Office is directed to place this petition for final hearing in the week commencing from 11/09/2017.

(G.S. Kulkarni, J.)