

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8874 OF 2016

D. Dayabhai and Company Pvt. Ltd. & Anr.	..	Petitioners
vs.		
Vijay Dadu Mhatre & Ors.	..	Respondents

Mr. Rohit Joshi i/b. Ms Gauri Godse for Petitioners.
Mr. K. S. Patil for Respondent Nos. 1 to 11.

CORAM : M. S. SONAK, J.
DATE: 08 SEPTEMBER 2017

P.C :

- 1] Heard Mr. Joshi for the petitioners and Mr. Patil for the respondent nos. 1 to 11.
- 2] The learned counsel hand in Minutes of Order, which are taken on record and marked as 'X' for the purposes of identification.
- 3] The Minutes of Order have been signed by the learned counsel for the petitioners and respondent nos. 1 to 11.
- 4] For the order, which is proposed to be made, the presence of the remaining respondents is really not necessary. The remaining respondents are the original landlords in respect of the suit property. The MRT, by the impugned order dated 23rd February 2016 has set aside the orders made by the Tahsildar and Sub Divisional Officer

and remanded the matter to the Tahsildar for fresh adjudication on the ground that the written statement filed by the petitioners was not found in the record and proceedings. There is really no determination or adjudication on merits by the MRT. By the Minutes, the contesting parties propose that the impugned order made by the MRT be set aside and the matter remanded to the MRT for fresh adjudication of the revision petition on merits. Such a course of action, will really be a proper course, it does appear that the issue of any alleged absence of written statement was never raised by any of the parties.

5] Accordingly, the Minutes are taken on record. The impugned order dated 21st March 2016 is set aside. The MRT is requested to decide and dispose of tenancy revision 604 of 2013 on its own merits and in accordance with law as expeditiously as possible and in any case within a period of six months from the date of production of authenticated copy of this order.

6] The MRT is requested to issue fresh notice to the respondent nos. 2 to 6 in the revision petition, before proceeding to dispose of the revision petition on merits.

7] This petition is disposed of in the aforesaid terms.

8] In view of disposal of the main petition, civil application, if any, does not survive and the same is also disposed of.

(M. S. SONAK, J.)

Chandka