

FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8159/2017

|                                                                                                           |                           |
|-----------------------------------------------------------------------------------------------------------|---------------------------|
| Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders | Court's or Judge's orders |
|-----------------------------------------------------------------------------------------------------------|---------------------------|

Mr. Balwant V. Salunkhe i/b. S. S. Prabhune for the petitioner

Mr. K. D. Juvekar for respondent No.1.

**CORAM : K. K. TATED, J.**

**DATE : JULY 19, 2017**

**P.C.:**

1. Mentioned. Not on board. At the request of learned counsel for the petitioner, the matter is taken on board for urgent orders.

2. Mr. Juvekar Advocate submits that he received instructions to appear on behalf of the respondent No.1. He undertakes to file vakalatnama within a week. Undertaking is accepted.

3. By this petition under Article 227 of the Constitution of India, the petitioner challenges order dated 08.06.2017 passed by the learned Additional Commissioner, Konkan Division,

Mumbai in Appeal No.409/2017 granting conditional stay on depositing sum of Rs.1 lac before the Authority on 21.06.2017.

3. The learned counsel for the petitioner submits that the petitioner is ready and willing to deposit sum of Rs.1 lac as per order dated 08.06.2017, however, he need some time. Hence, he has filed the Writ Petition.

4. On the other hand, the learned counsel for the respondent submits that in the present proceedings the competent authority, Konkan Division Mumbai passed order dated 29.03.2017 under section 24 of the Maharashtra Rent Control Act, 1999 directing the petitioner to hand over possession of Flat No.301, Ashirwad CHS Ltd., Plot No.35, Sector 5, Koparkhairane, Navi Mumbai to the respondent. He submits that the said order is already executed by them. As on today, the respondent is in possession of the suit premises. The statement is accepted.

5. In view of the subsequent development, as the order dated 29.03.2017 is already executed by the respondent, nothing survives in the Writ Petition. Hence, the Writ Petition stands dismissed.

6. The Additional Commissioner, Konkan Division, Mumbai is directed to decide the appeal preferred by the petitioner on merits without being influenced by this order.

7. No order as to costs.

**JUDGE**