

JPP

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

CIVIL REVN. APPLICATION NO. 610 OF 2015

Mr. Balasaheb Gangaram Vadgule and Ors. ... Applicants.

V/s.

Mr. Kisan Mohanlal Heda and Ors. ... Respondents.

Mr. Kiran Jain i/b. Kiran Jain and Co. for the Applicants.

Mr. Dilip Bagwe for the Respondents.

CORAM : N.M. Jamdar, J.

11 January, 2017.

Oral Order :-

The learned Counsel for the Applicants at the outset states that the only grievance made by the Applicants by way of the Civil Revision Application that there are certain aspects in respect of the undertaking given by the Respondent – landlord under Section 16(6) of the Maharashtra Rent Control Act, 1999 which need to be clarified.

2. The learned Counsel states that in the undertaking which premises are to be given to the Applicants are not specified. The learned Counsel for the Respondent has rightly drawn my attention to clauses 3 and 4 of the undertaking where the

specifications have been given in respect of the residential as well as commercial premises. It was then submitted by the learned Counsel for the Applicants that there is no undertaking that the premises will be handed over. This argument is advanced without reading the undertaking, as the clause 5 clearly states that both the commercial as well as residential premises as specified in the undertaking will be handed over, which statement is made on oath. The learned Counsel then submitted that the Applicant has an apprehension that the commercial premises may be allotted in basement. The learned Counsel for the Respondents categorically states that clause 4 of the undertaking states that it will be on the ground floor and therefore, it cannot be in the basement as apprehended.

3. Therefore, none of the apprehensions expressed by the learned Counsel for the Applicants are warranted. The undertaking which is on oath has been considered and accepted by the Appellate Bench. Section 16(6) of the Act lays down an elaborate methodology in case of decree is passed under Section 16(i) of the Act. It is not necessary to reiterate the scheme under this provision which grants certain rights to the tenants.

4. In the circumstances, no further orders are required. The Civil Revision Application is accordingly disposed of.

(N.M. Jamdar, J.)