

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

**CIVIL APPLICATION NO.728 OF 2016
IN
CIVIL REVISION APPLICATION NO.710 OF 2014**

**WITH
CIVIL APPLICATION NO.729 OF 2016
IN
CIVIL REVISION APPLICATION NO.711 OF 2014**

**WITH
CIVIL APPLICATION NO.730 OF 2016
IN
CIVIL REVISION APPLICATION NO.712 OF 2014**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Ms.Ranjana Parikh, Advocate for the applicants.

Ms. Punita Shah i/b. M/s Jay Vinod Shah, Advocate for respondents No.1 to 4.

CORAM : R. G. KETKAR, J.

DATE : 02/08/2017

P. C.:

1. Heard Ms.Ranjana Parikh, learned Counsel for the applicants and Ms.Punita Shah, learned Counsel for respondents No.1 to 4.

2. By these applications, the applicants have sought clarification of the order dated 11.8.2016 passed by this Court in W.P. Nos.5280/2014, 5281/2014 & 5282/2014

along with C.R.A. Nos.710/2014, 711/2014 & 712/2014.

3. Ms. Parikh invited my attention to paragraphs-2 and 3 of the order dated 11.8.2016 and submitted that the only question that was argued before this Court was about applicability of the provisions of the Maharashtra Rent Control Act, 1999 (for short, 'Act'). It was contended that Section 3(1)(b) of the Act is not applicable to defendant No.1. Though this contention was specifically agitated, that was not dealt with by the Appellate Court. In view thereof, permission was sought to withdraw Civil Revision Applications as also Writ Petitions with liberty to file Review Petitions before the Appellate Court.

4. Ms.Parikh submitted that by filing Review Petitions, the respondents are enlarging the scope of review by agitating the contentions other than applicability of Section 3(1)(b) of the Act.

5. On the other hand, Ms.Shah relied upon paragraph-8 of the order dated 11.8.2016 wherein all contentions on merits in the proposed review petitions were expressly kept open. In other words, she submitted that the petitioners in the Writ Petitions and the applicants in Civil Revision Applications were permitted to file Review Petitions raising all contentions that were available to them.

6. It is not possible to accept this submission. Only grievance made at the time of hearing of the Petitions and Revision Applications was that the Appellate Court did not consider the contentions agitated as regards applicability of

Section 3(1)(b) of the Act on the ground that there was no privity of contract between the plaintiffs and defendant No.2 Bank.

7. In view thereof, Review Petitions shall be restricted only on the question about applicability of Section 3(1)(b) of the Act. Accordingly, Civil Applications are disposed of.

8. All parties, including the appellate Court, to act upon the authenticated copy of this order.

(R. G. KETKAR, J.)