

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.126 OF 2018

AND

CIVIL REVISION APPLICATION NO.610 OF 2017

AND

CIVIL REVISION APPLICATION NO.613 OF 2017

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
--	----------------------------------

Mr. Shashank Mangle a/w. Mr. Sourabh Butala i/b. Mr. Harshad Sathe for Petitioner.

CORAM : R. G. KETKAR, J.

DATE : 17TH APRIL, 2018

P.C.:

Heard Mr. Mangle, learned Counsel for the applicant. At his request C.R.A.No.610 of 2017 and C.R.A.No.613 of 2017, which are not on Board, are taken up for admission along with C.R.A.No.126 of 2018. As common questions of law and facts arise in these Applications, facts from C.R.A.No.126 of 2018 are taken into consideration.

2. C.R.A.No.126 of 2018 takes exception to the judgment and decree dated 27.01.2009 passed by the learned Civil Judge, Junior Division, Chiplun in Regular Civil Suit No.89 of 2001 as also the judgment and decree dated 31.03.2017 passed by the learned District Judge-2,

Khed, Taluka Khed, District Ratnagiri in Civil Appeal No.33 of 2009. The Courts below have concurrently held that the suit premises is not governed by the provisions of the Maharashtra Rent Control Act, 1999. In other words, the Suit is governed by the provisions of the Transfer of Property Act, 1882.

3. In view thereof, Mr. Mangle seeks permission to withdraw these Applications with liberty to file Second Appeal. He states that the time spent by the applicants in prosecuting these Applications in this Court from the date of filing till today may be excluded while considering the question of limitation. He further submits that the certified copies filed in these proceedings may be allowed to be taken by the applicants.

4. In view thereof, Applications are permitted to be withdrawn with liberty to file Second Appeals. It will be open to the applicants to claim benefit of Section 14 of the Limitation Act, 1963 by excluding the time spent by them in prosecuting these Applications from the date of their filing till today. It is made clear that I have not examined the merits of the case. Office is directed to return certified copies to the learned Counsel for the applicants in all the Applications. Order accordingly.

(R. G. KETKAR, J.)