

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO.1379 OF 2018

1.Pramilaben Prabhudas Thakkar & Ors.

...Petitioners

Versus

1.Haresh Manilal Patel & Ors.

...Respondents

with

Writ Petition NO.1364 OF 2018

Damodar Shanmugam Mudaliar

...Petitioner

Versus

1.Haresh Manilal Patel & Ors.

...Respondents

Mr.Vaibhav Sugdare i/b. Mr.Ravi PKadam, for the Petitioners in WP 1379/18.

Mr.Haresh M.Patel, Respondent in person is present in Court in WP 1379/18.

Mr.Kansara, for the Petitioner in WP 1364/18 and for Respondent No.2 in WP 1379/18.

Mr.A.R.Metkari, AGP for the State in WP 1379/18.

Mrs.V.Nimbalkar, AGP for the State in WP 1364/18 with Officer present.

Mr.R.C.Kadam, Eviction Officer, Competent Authority, Konkan Div. present.

CORAM : G.S.KULKARNI, J.

DATE : 1 February 2018

P.C. :

Not on board. Taken on board.

1. Heard learned Counsel for the parties. These petitions are moved urgently on a praecipe as filed on behalf of the petitioners that warrant of possession dated 18 January 2018 has been issued and that

the same would be executed on 2 February 2018 for non compliance of orders dated 18 September 2017 passed by the Competent Authority, Konkan Division, Mumbai, in the application of respondent no.1-licensor under Section 24 of the Maharashtra Rent Control Act. By an order dated 13 November 2017 the revisional authority who is considering the revision of the petitioners has rejected the interim protection and consequently the warrant of possession was issued.

2. After this petitions are heard for some time, Mr.Kansara, learned Counsel for the petitioner in Writ Petition No.1364 of 2018 at whose behest the petitioners in the companion petition (Writ Petition No.1379 of 2018) are inducted in the premises, on instructions of his client, states that the petitioner is ready and willing to deposit with the Competent Authority, 50% of the amount as directed in sub-clause (iii) paragraph 38 of the order dated 18 September 2017 passed by the Competent Authority within six weeks, after deduction of the amount which has already been deposited, and the balance 50% amount thereof shall be deposited within six weeks after the first deposit. The statement is accepted.

3. In view of the said statement as made on behalf of the petitioner in Writ Petition No.1364 of 2018, further adjudication of these petitions is not called for. The petitions are disposed of.

4. Learned Revisional Authority is requested to take up the revision application and decide it as expeditiously as possible and in any event within a period of six months from today.

5. In view of the above orders, the warrant of possession dated 18 January 2018 shall not be acted upon. Needless to observe that in case of any default on behalf of the petitioners in Writ Petition No.1364 of 2018 to deposit the aforesaid amount, the warrant of possession shall forthwith be revived and will be available for execution.

6. Respondent-licensor is permitted to withdraw the amount which was deposited in this Court in pursuance of order dated 23 July 2010 in Writ Petition No.4057 of 2010 alongwith the accrued interest, if any.

7. Respondent-licensor is also permitted to withdraw the amount to the extent of 50% of the amount which would be deposited

by the petitioners in Writ Petition No.1364 of 2018 inclusive of the principal amount which is permitted to be withdrawn as deposited in this Court. The balance amount of 50% shall be invested by the competent Authority in a nationalised bank till the final disposal of the revision proceedings and subject to the orders which may be passed therein.

8. It would be open for the Competent Authority to invest the balance amount which would remain after the withdrawal of the amount by the respondent/licensor, as permitted above, in a nationalised bank till the adjudication of final disposal of the revision application.

9. The petitions are disposed of in the above terms. No costs.

10. I have not examined any contentions of the parties on merits of the revision application. All contentions of the parties are kept open.

11. Learned AGP informs that the Officer of the competent authority is present in Court, who would be forwarded a copy of this order for further necessary action.

(G.S.KULKARNI, J.)