

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
WRIT PETITION NO.13367 OF 2017**

Kasturi & Sons Limited] Petitioner

Vs.

Spencer International Hotels Limited] Respondent

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Mr. Sagar Sarin i/b DMD Advocates for Petitioner.

Ms. Palak Patel i/b Mansukhlal Hiralal & Co., for Respondent.

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CORAM : R.G. KETKAR, J.

DATE : 13TH JUNE, 2018.

P.C.

Heard Mr. Sarin, learned Counsel for the petitioner and Ms. Patel, learned Counsel for the respondent at length.

2. By this Petition under Article 227 of the Constitution of India, the petitioner has challenged the judgment and order dated 19th April, 2017 passed by the Appellate Bench of the Court of Small Causes at Mumbai below Exhibit 15 in (PSCC) Appeal No.4 of 2013. By that order, the Appellate Court rejected the application filed by the respondents before the Appellate Court plaintiffs for modification of the order dated 20th December, 2013 passed by the Appellate Court below Exhibit 10. By order dated 20th December, 2013, the Appellate Court allowed that application and stayed operation and execution of the eviction decree dated 3rd September, 2012 passed in T.E & R Suit No.89/96 of 2003 till disposal of the appeal subject to imposition of conditions.

3. It is not in dispute that suit is decreed on the ground that the defendants are not protected under the Maharashtra Rent Control Act, 1999 (for short 'Act') and that section 3(1) (b) of the Act is applicable in the present case.

4. In view thereof and for the reasons recorded in the impugned order, I do not find that any case is made out for interfering with the impugned order. Having regard to the fact that controversy is in respect of applicability of section 3(1) (b) of the Act as also appeal is of the year 2013, the Appellate Court is requested to dispose of appeal on or before 31st December, 2018. Subject to this, Petition fails and the same is dismissed.

[R.G. KETKAR, J.]