

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.638 OF 2018

WITH

CIVIL APPLICATION NO.1584 OF 2018

IN

WRIT PETITION NO.1364 OF 2018

(Damodar Shanmugam Mudaliar Vs. Haresh Manilal Patel and others)

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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Mr. P. C. Kansara i/b. Kansara & Thanekar for Applicant.
 Ms Fatima Barodawalla i/b. Mr. Raval Shah for Respondent No.2.

CORAM : R. G. KETKAR, J.**DATE : 28TH AUGUST, 2018****P.C.:**

Heard Mr. Kansara, learned Counsel for the applicant and Ms Barodawalla, learned Counsel for the respondent No.2.

2. Perused the earlier orders. In the order dated 21.08.2018, it was recorded that applicant has handed over keys of the suit premises to Ms Barodawalla and she confirms receipt of the keys. Ms Barodawalla confirms that respondent No.1 has received the possession.

3. While disposing of Civil Application No.638 of 2018 on 21.08.2018, it was made clear that Commissioner will not proceed with the hearing of the Revision Application filed by the applicant unless applicant

deposits Rs.69,39,334/- in the office of the Competent Authority. Mr. Kansara states that applicant requires six months to deposit amount of Rs.69,39,334/- in the office of the Competent Authority.

4. In view of Section 24(2) of the Maharashtra Rent Control Act, 1999, Commissioner has no discretion to grant interim order unless compliance of Section 24(2) is made. In view thereof, subject to the applicant herein depositing amount of Rs.69,39,334/- in the office of the Competent Authority, the Commissioner will proceed with the hearing of the Revision Application. Order accordingly.

5. In view thereof, Civil Application No.1584 of 2018 praying for depositing the amount in installments does not survive and the same is disposed of accordingly.

6. Learned Counsel for the parties submit that in para 2 of the order dated 21.08.2018, there is a typographical error. Revision Application number is wrongly mentioned as '1037 of 2018' instead of '1037 of 2017'.

7. In view thereof, in paragraph 2 of the order dated 21.08.2018, the words and figures "Revision Application No.1037 of 2018" shall stand substituted by the words and figures "Revision Application No.1037 of 2017". Order accordingly. Rest of the order remains as it is.

(R. G. KETKAR, J.)