

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL REVISION APPLICATION NO.217 OF 2017

Dr. Laxmikanta @ Vijaylaxmi Subhash Poreddi ... Applicant  
Vs.  
Satyanarayan Rajmalu Samal and another ... Respondents

Mr. Surel Shah for Applicant.  
Mr. Anand. S. Kulkarni for Respondents.

**CORAM : R. G. KETKAR, J.**  
**DATE : FEBRUARY 18, 2019**

**P.C. :**

Heard Mr. Shah, learned Counsel for the applicant and Mr.Kulkarni, learned Counsel for the respondents at length.

2. By this Application under Section 115 of the Code of Civil Procedure, 1908, applicant, hereinafter referred to as 'defendant', has challenged the judgment and decree dated 02.02.2017 passed by the learned Ad-hoc District Judge-2, Solapur in Regular Civil Appeal No.9 of 2016. By that order, the learned District Judge allowed the appeal preferred by the respondents, hereinafter referred to as 'plaintiffs', and partly decreed the Suit under Section 15 of the Maharashtra Rent Control Act, 1999 (for short 'Act').

3. Rule. Mr. Kulkarni waives service for the respondents. At the request and by consent of the parties, Rule is made returnable forthwith and the Application is taken up for final hearing.

4. The matter was heard at length on 11.02.2019 and was kept today for passing order so as to enable Mr. Kulkarni to take instructions as to whether respondents are agreeable for setting aside the impugned order

and remitting the matter to the Appellate Court for deciding the appeal afresh.

5. Mr. Kulkarni states that Mr. Shriniwas Satyanarayan Samal, son of respondent No.1 is present in the Court. He states that Shrinivas Samal has authority to instruct on behalf of the respondents. He has tendered photocopy of his identity card issued by Election Commission of India, which is taken on record and marked 'X' for identification. Upon taking instructions from him, Mr. Kulkarni submits that by consent of the parties, impugned order may be set aside and appeal may be restored to the file of the learned District Judge for deciding the same afresh in a time bound manner.

6. In view thereof, by consent of the parties, C.R.A. is disposed of in the following terms:

- a. Impugned order dated 02.02.2017 passed by the learned Ad-hoc District Judge-2, Solapur is set aside;
- b. Regular Civil Appeal No.9 of 2016 is restored to its original position;
- c. The parties will appear before the District Court on 04.03.2019, and for that purpose, no fresh notice be issued to them;
- d. The learned District Judge will fix a suitable date and will thereafter dispose of the appeal as expeditiously as possible and in case within a period of 3 months from fixing the suitable date for final hearing. The learned District Judge will first decide application exhibit-59 dated 19.03.2015 filed in R.C.S.No.1450 of 2012 and thereafter will proceed to decide the appeal;
- e. All contentions of the parties, on merits, are expressly kept

open;

- f. The Registry shall forthwith transmit the R&P to the concerned Court;
- g. Rule is made absolute in the aforesaid terms with no order as to costs.

**(R. G. KETKAR, J.)**

*Minal Parab*