

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION (ST.) NO.15903 OF 2019
IN
CIVIL REVISION APPLICATION (ST.) NO.4522 OF 2019

Sunita Bhalchandra Ghorpade and others ... Applicants
Vs.
Vijay Shankar Maratkar ... Respondent

Mr. Prashant C. Kamble for Applicants.

CORAM : R. G. KETKAR, J.
DATE : JUNE 12, 2019

P.C. :

Not on Board. At the request of Mr. Kamble, learned Counsel for the applicants, taken up in the production Board.

2. This Civil Application is taken out in C.R.A.(St.) No.4522 of 2019. C.R.A. is filed challenging judgment and decree dated 16.01.2019 passed by the learned District Judge-5, Pune in Regular Civil Appeal No.241 of 2013. By that order, the learned District Judge allowed the appeal preferred by the respondent-plaintiff and set aside the trial Court's judgment and decree dated 31.03.2012 and decreed Civil Suit No.558 of 2008 under Sections 16(1)(b) and 16(1)(g) of the Maharashtra Rent Control Act, 1999. The learned District Judge directed the defendants to handover vacant and peaceful possession of the suit premises to the plaintiff within two months.

3. Mr. Kamble submitted that C.R.A. was heard on 13.03.2019 and was adjourned to 03.04.2019. It was ordered to be listed in the Supplementary Board. Till next date, subject to the applicants neither creating third party interest nor parting with possession as also

depositing arrears of rent, if any, ad-interim relief in terms of prayer clause (b) was granted. Notwithstanding interim relief in terms of prayer clause (b) being granted, the suit premises is demolished by the Municipal Corporation of City of Pune (for short 'P.M.C.'). The applicants have, therefore, taken out application inter alia praying for - (i) issuing suo motu notice for committing contempt of the order passed by this Court on 13.03.2019 against the respondent-landlord, (ii) paying suitable compensation as also (iii) directing the respondent-landlord to provide alternate accommodation of equivalent area.

4. As mentioned earlier, C.R.A. is filed challenging the decree passed by the learned District Judge in eviction suit filed by the respondent-landlord. The reliefs claimed in this Civil Application are enlarging the scope of the main C.R.A. In view thereof, it is not possible to grant any relief in this Application. Applicants are however at liberty to adopt appropriate proceedings before the appropriate Civil Court. All contentions raised in this Application are expressly kept open. It is made clear that this Court has not examined merits of the Civil Application. Civil Application is disposed of accordingly.

(R. G. KETKAR, J.)

Minal Parab