

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE SIDE JURISDICTION**  
**WRIT PETITION NO.32 OF 2019**

|                                         |             |
|-----------------------------------------|-------------|
| Mohamed Irfan Haji Mohammad Merchant ]  | Petitioner  |
| Vs.                                     |             |
| Mohamed Mustaq Ali Laljee and others. ] | Respondents |

WITH  
WRIT PETITION NO.12876 OF 2018

|                                       |   |             |
|---------------------------------------|---|-------------|
| Mohammed Aabid Ansari                 | ] | Petitioner  |
| Vs.                                   |   |             |
| Mohamed Mustaq Ali Laljee and others. | ] | Respondents |

Mr. Raul Singh a/w Ms. Pranali Raut i/b Mithilesh Singh, Advocate for the Petitioners in both the Petitions.  
Mr. Pradeep J. Thorat, Advocate for the Respondents in bot the Petitions.

**CORAM : R.G. KETKAR, J.**

DATE : 12<sup>th</sup> JUNE, 2019.

P.C.

Heard Mr. Singh, learned Counsel for the petitioners and Mr. Thorat, learned Counsel for the respondents in both the Petitions at length.

2. By these Petitions under Article 227 of the Constitution of India, the petitioners have challenged the orders dated 17<sup>th</sup> March, 2017 passed by the learned trial Judge below Exhibit 33 In R.A.E & R Suit No.1062/1655 of 2013 and Exhibit 30 in R.A.E. & R Suit No.1061/1654 of 2013 as also the orders dated 27<sup>th</sup> July, 2018 passed by the Appellate Bench of the Court of Small Causes at Mumbai in Revision Application No.336 of 2017 and Revision

Application No.335 of 2017. By these orders, the Courts below allowed applications taken out by the respondents under section 28 of the Maharashtra Rent Control Act, 1999.

3. Upon taking instructions from Mithilesh Singh, Advocate on record, Mr. Rahul Singh does not press these Petitions. He further submitted that Petitioners along with their Architect, Advocate and Photographer may be permitted to remain present at the time of respondents taking inspection. He further states that the petitioners, their Architect, Advocate and Photographer will not cause any obstruction while respondents taking inspection of the suit premises. Statement made on instructions is accepted in the form of undertaking to this Court.

4. In view thereof, Petitions are disposed of as not pressed. At the time of inspection, the petitioners are at liberty to ensure presence of their Architect, Advocate and Photographer who in turn will not cause any obstruction to the respondents while taking inspection of the suit premises. Order accordingly. Respondent's Advocate is at liberty to remain present along with the photographer at the time of inspection, if so desires.

5. It is, however, expressly made clear that where a decree is appealed from by the petitioners, any error, defect or irregularity in the impugned orders, affecting the decision of the case, may be set forth as a ground of objection in memorandum of Appeal as contemplated by Section 105(1) of the Code of Civil Procedure, 1908.

**[R.G. KETKAR, J.]**