

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO.2223 OF 2019

SAJEDA BEGUM MOHAMMAD FAROOQ
VERSUS
KALYANMAL POONAMCHAND JAIN AND ANR

.....
Advocate for Petitioner : Mr. Shaikh Faruk V Patel
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CORAM : V. K. JADHAV, J.
DATED : 8th JANUARY, 2020

PER COURT:-

1. Heard. I do not find any substance in this writ petition.
2. The petitioner-original plaintiff has filed this writ petition against the order passed by learned Adhoc District Judge-2, Aurangabad dated 21.11.2018 below Exh.5 in Regular Civil Appeal No. 157 of 2018. It appears that the petitioner has instituted the suit for eviction under the provisions of Maharashtra Rent (Control) Act, 1999 against the respondents and by judgment and decree dated 21.6.2018, the learned 5th Joint Civil Judge, Junior Division, Aurangabad decreed the suit and thereby directed the respondents-original defendants to hand over peaceful and vacant possession of suit premises to the plaintiff within a month from the date of order.
3. Learned counsel of the petitioner-original plaintiff submits that the petitioner plaintiff is old aged lady and she requires the premises for bonafide purposes. Learned counsel submits that even in the

application seeking stay, the respondents-original defendants have specifically contended that to search out and shift from the suit premises, the trial court has granted unreasonable time of one month. Learned counsel submits that thus the respondents are willing to obey the eviction order passed by the trial court. However, the learned Adhoc District Judge in pending appeal without any reason allowed the application Exh.5.

4. In para 7 of the impugned order, the learned Adhoc District Judge has observed that some substantial grounds are raised in the appeal which requires to be dealt with. It is statutory right of the appellants-original defendants to prefer an appeal and redress their grievance. If the respondents-original defendants, who have preferred appeal against the judgment and decree of the trial court, loses the possession, the very purpose of filing appeal would be frustrated.

5. In view of this, I do not find any fault in the order passed by the first appellate court. There is no substance in this writ petition. Writ petition is hereby dismissed.

(V. K. JADHAV, J.)

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