

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 495 OF 2020**

Mohammed Hasib Shaikh
Mohammed Yunus Shaikh

.....Petitioner

Vs.

Mrs. Shafqat Jahan Hasan
Ahmed Qureshi & Anr.

.....Respondents.

Mr. M. Seed Kadu for the Petitioner.
Mr. Shaikh for the Respondents.

CORAM : A. S. GADKARI, J.
DATE : 6th MARCH, 2020.

P.C.:-

By the present Petition, the Petitioner/Original Respondent-Tenant has impugned Order dated 9th December, 2019 passed by the Additional Commissioner, Konkan Division, Mumbai in Revision Application No. 732 of 2019, thereby rejecting the Application for grant of stay to the Order dated 24th September, 2019 passed in Eviction Application No. 99 of 2019 filed by the Respondents.

2 By the said Order dated 24th September, 2019, the Competent Authority established under the Maharashtra Rent Control Act, 1999 (for short, "*the said Act*") has directed the Petitioner to vacate the Suit premises and hand over peaceful possession of it to the Respondents herein.

3 The Trial Court has already directed the Petitioner to pay

arrears of miscellaneous fess and compensation as per the provisions of the said Act.

The record is abundantly clear that, till date, the Petitioner has not complied with the directions of the Competent Authority i.e. he has failed to either pay to the Respondents or to deposit the said amount before the Competent Authority.

4 During the course of the arguments, this Court put a query to the learned counsel for the Petitioner, as to whether the Petitioner is interested in depositing the arrears of said amount as per Order dated 24th September, 2019 in this Court. Learned counsel, on instructions from the Petitioner, who is personally present in the Court, expressed inability to comply with the said directions. Undoubtedly, clause Nos. (iii) and (iv) of the impugned Order dated 24th September, 2019 amounts to money decree.

As the Petitioner is unable to comply with the condition of deposit of the said amount, in my view, the Revisional Authority has rightly rejected the prayer of the Petitioner for grant of stay to the execution of Order dated 24th September, 2019 passed by the Competent Authority.

5 I find no error in the impugned Order dated 9th December, 2019.

Petition being dehors of merits, is accordingly dismissed.

Sanjiv S.
Mashalkar
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(A.S. GADKARI, J.)