

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8311 OF 2021**

Mrs. Roshana Begum Mohd. Habib Saifi ... Petitioner
V/s.
State Of Maharashtra and Ors. ... Respondents

Mr. Sagar Batavia i/b. Mr. Angad Giri, Advocate for the Petitioner.
Smt. V. S. Nimbalkar, A.G.P. for Respondent Nos.1 to 3-State.
Mr. Shrikant Rathi, Advocate for Respondent No.4.

CORAM : A.S. GADKARI, J.
DATE : 3rd DECEMBER, 2021.

PC. :

1. Learned counsel for the Petitioner was heard at length yesterday.
2. By the present Petition, Petitioner has impugned Order dated 23rd November 2021 passed by the Additional Commissioner, Konkan Division, Mumbai in Appeal/Desk/MRCA/RV/527/2021, thereby refusing to grant stay to the Judgment and Order dated 28th October 2021 passed by the Competent Authority, Rent Control Act Law Court, Konkan Division, Mumbai in Eviction Application No.42 of 2021.
3. By the Order dated 28th October 2021, the Competent Authority while allowing Eviction Application preferred by the Respondent No.4, has directed the Petitioner to handover vacant and peaceful possession of the suit

premises within a period of 30 days from the date of passing of the said Order and has also directed to make a payment of license fee at the double rate i.e. Rs.20,000/- per month from 1st December 2016 till handing over of the possession of the suit premises to the Respondent No.4. The said Order is passed by the Competent Authority under Section 24 of the Maharashtra Rent Control Act 1999.

4. As the Clause No.(iii) of the operative part of Order dated 28th October 2021 passed by the Competent Authority amounts to money decree and the Petitioner is seeking equitable relief of injunction from this Court, this Court had directed the Petitioner to deposit at least 50% of the said decretal amount with the Competent Authority to seek stay to the said Order dated 28th October 2021. Learned counsel for the Petitioner had therefore sought time to take instructions in the matter.

5. Today, the learned counsel for the Petitioner, on instruction submitted that, the Petitioner is unable to deposit entire amount and is also not ready and willing to deposit 50% of the said decretal amount.

6. In view thereof, this Court finds that, the Order passed by the Revisional Authority does not require any interference by this Court.

Petition is accordingly dismissed in *limine*.

[A.S. GADKARI, J.]