

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO.410 OF 1992

ASHRAFKHAN RAUFKHAN.
VERSUS
RENUKABAI AMRUTRAO ROHINKAR and ANOTHER.

...

Advocate for Appellant : Advocate V.C. Solshe
Adv. for Respondents: Mr. A.S. Deshmukh.

CORAM : RAJESH S. PATIL, J.

DATE : 16th December, 2022.

ORDER :-

1. After hearing this matter for quite some time, the learned counsel for the parties, on instructions, agree that the impugned judgment and order dated 3.3.1992 passed by the District Judge, Parbhani in Regular Civil Appeal No. 114 of 1984 requires to be set aside in its entirety and the matter needs to be remanded back to the learned District Judge, Parbhani for re-hearing.

2. Accordingly, RCA No. 114 of 1984 is remanded back to the learned District Judge, Parbhani for re-hearing for decision afresh. Before hearing the appeal, the learned District Judge should frame the issues and take into consideration the legal provisions, including the issue, Whether the Hyderabad Rent Control, Eviction and Lease Act was applicable to the proceeding.

3. The learned District Judge to hear the appeal as per the legal provisions and make an endeavour to decide the same within a period of eight months from the date of receipt of writ of this Court.
4. Parties are directed to appear before the learned District Judge, Parbhani on 10th January, 2023 at 11.00 a.m. It is made clear that the parties will cooperate for the expeditious disposal of the RCA No. 114 of 1894 and will not seek unnecessary adjournments in the matter. The R. & P. be sent back to the District Judge, Prabhani for final disposal of RCA No. 114 of 1984 afresh.
5. In the above premises, the second appeal stands disposed of.

(RAJESH S. PATIL, J.)

grt/-