

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4937 OF 2021

Shaikh Ibrahim Ismail (Deceased)
Through L.Rs. Shaikh Moinuddin Ibrahim ... Petitioner

Versus

Shaikh Fakir Mohammad (Dead)
Through L.Rs. Shaikh Kayyum Begum
Fakir Mohammad & Ors. ... Respondents

...

Mr. H. D. Deshmukh, Advocate for the Petitioner
Mr. Milind M. Beedkar (Patil), Advocate for Respondent Nos.1A to 1D

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 29th August, 2022

PER COURT :-

1. The petitioner is aggrieved by the order dated 16-12-2020, passed by the District Judge-7, Ahmednagar in Civil Revision No.1/2016, thereby dismissing the Civil Revision Application with costs.

2. The respondents instituted Misc. Civil Application under Section 11 of the Bombay Rent Control Act, 1999 (for short 'the said Act') for fixation of standard rent. The said application, after the amendment in the said Act was converted as application under Section 8 of the said Act, and numbered as Civil Misc. Application

No.262/1985. The Trial Court decided the same and fixed standard rent at Rs.500/- per month, including municipal taxes and permitted increases from the date of order i.e. 27-05-2016.

3. Being aggrieved by the said order, the petitioner filed Civil Revision No.1/2016 in the District Court, Ahmednagar challenging the said decision on merits on various grounds. By the impugned order, Civil Revision is dismissed. The dismissal order is challenged in this petition.

4. It is clear from the impugned decision that revision is decided on merit in absence of both the parties. The learned Advocate for the petitioner submits that the decision is rendered when there was lockdown. Due to lockdown, both the parties could not attend the matter.

5. Since the impugned decision is rendered without hearing the parties, the same is liable to be quashed and set aside. Hence, following order:

ORDER

(i) The writ petition is allowed.

(ii) The impugned decision dated 16-12-2020, passed by the District Judge-7, Ahmednagar in Civil Revision No.1/2016, is hereby quashed and set aside.

(iii) The matter is remitted back to the District Judge, Ahmednagar, who shall decide the same on merits, after giving opportunity of hearing to the parties.

[NITIN B. SURYAWANSHI, J.]

Sameer