

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL WRIT PETITION NO. 258 OF 2020**

Shirish Abasaheb Khedekar

... Petitioner

V/s.

Smt. Kaumudi Chandrakant Karandikar

... Respondent

Mr. T. D. Deshmukh for Petitioner.

Mr. Ravindra Pal i/b. R.V. Sankpal & Associates for Respondent.

CORAM : A.S. GADKARI, J.**DATE : 23rd March 2022.****PC. :**

1. By the present Petition, the Petitioner licensee has impugned Order dated 21st January 2019 passed by the Competent Authority established under the Maharashtra Rent Control Act, 1999 (for short, 'Said Act'), thereby rejecting the application of the Petitioner for condonation of delay of 69 days in filing an application for leave to defend as contemplated under Section 43(4) of the said Act.

2. Heard Mr.Deshmukh, learned counsel for the Petitioner and Mr.Pal, learned counsel for the Respondent.

3. It is the settled position of law that, the Competent Authority established under the Maharashtra Rent Control Act is not a Court within the meaning of the provisions of Limitation Act and therefore Section 5 of the

Limitation Act is not applicable to the proceedings under Section 24 of the said Act. Reliance is placed on a decision of the Hon'ble Supreme Court in the case of *Prakash H. Jain Vs. Marie Fernandes (Ms)*, reported in (2003) 8 SCC 431.

4. Perusal of the impugned Order would indicate that, the Competent Authority has not committed any irregularity or error while appreciating the aforesaid settled principle of law while passing the impugned Order dated 22nd January 2019.

5. In view thereof, Petition being *dehors* of merits, is accordingly dismissed summarily.

[A.S. GADKARI, J.]

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