

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE CIVIL JURISDICTION**

**WRIT PETITION NO. 795 OF 2022**

Pradeep Balchandra Keer

....PETITIONER

V/S

V P Paranjapee & Ors

....RESPONDENTS

Mr. Uzair Kazi i/b. YMK Legal for the petitioner.

Mr. Amit S Potnis for Respondent No. 2

**CORAM : NITIN W. SAMBRE, J.**

**DATED : 11<sup>th</sup> AUGUST, 2022**

**P.C.:**

1. The petitioner had initiated Rent Act Suit being RAE Suit No. 849/1340 of 2013. The application Exhibits-30, 31, 42 & 43 were decided vide separate orders dated 10/04/2017, which are impugned in the present petition.

2. This Court heard and allowed the present petition by dictating an order in the open Court. However, while carrying out corrections in the order it was discovered by this Court that the petitioner earlier in point of time has preferred Writ Petition No. 11101 of 2017 before this Court questioning the order dated 10/04/2017 passed below Exhibit-31, which is produced at Exhibit-W of the petition.

3. The fact remains that when the said petition was preferred all the four orders which are passed and impugned in the present petition viz. below Exhibits 30, 31, 42 & 43 were available for challenge in the said Writ Petition No. 11101 of 2017, still the petitioner has chosen to question order passed below Exhibit 31 only.

4. The said petition was withdrawn by the petitioner on 23/09/2019. The order permitting the petitioner to withdraw the petition reads thus:

"1. Learned counsel for the Petitioner seeks leave to withdraw the present petition. Learned counsel for the Petitioner submits that there had been subsequent developments and he would seek liberty to file a fresh petition, if his client is so advised, on the basis of these further developments. The petition is dismissed as withdrawn with liberty as prayed.

2. It is expected that the parties shall diligently prosecute the pending suit before the Trial Court."

5. The aforesaid petition was withdrawn on the ground that there are certain subsequent developments and as such the petitioner intend to file a fresh petition, if his client is so advised on the basis of further developments.

6. The counsel for the petitioner when called upon to explain the aforesaid subsequent developments, I hardly see any

pleadings in support of any such development in the petition.

7. The fact remains that the order passed below Exhibits 30, 42 & 43 were holding the fields since last five years and the suit proceedings based on the same have advanced.

8. For not questioning the aforesaid three orders in earlier round of litigation i.e. Writ Petition No. 11101 of 2017 no explanation is coming forth from the petitioner.

9. Apart from above, even for questioning the order passed below Exhibit-31, it was expected at the petitioner to satisfy this Court as to what are the subsequent developments which, according to him, gave him cause to question all the four impugned order in the present petition.

10. The fact remains that the orders which were passed on 10/04/2017 are questioned before this Court almost after unexplained delay of 4 years.

11. Apart from above, in the earlier Writ Petition No. 11101 of 2017 only one of the impugned dated 10/04/2017 passed below Exhibit-31 is informed to have been challenged and not the other orders.

12. In the aforesaid background, in my opinion petition not only suffers from delay and latches but the petitioner has given up is

claim as regards the impugned orders, as he has not questioned the same in earlier Writ Petition No. 11101 of 2017. That being so, no case for interference is called for in the impugned orders.

13. The petition as such fails, stands dismissed.

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**(NITIN W. SAMBRE, J.)**