

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL WRIT PETITION NO.708 OF 2021

Vijay Deoram Kandalkar Petitioner.

Vs.

The State of Maharashtra

& Ors. Respondents.

Mr.Kishore Gaikwad for petitioner.

Mr.Abhishek Adke for respondent no.3.

Mr.C.D. Mali, AGP for respondentn os.1 and 2.

CORAM : N.R. BORKAR, J.

DATE : 7th MARCH, 2022.

PC.:

1. This petition takes an exception to an order dated 15.7.2019 passed by the Upper Commissioner, Nasik Division, Nasik.
2. Respondent no.3 herein had filed an application under section 24 of the Maharashtra Rent Control Act,1999 against the present petitioner. The competent authority rejected the said application by order dated 23.10.2018. The respondent No.3 had filed the revision against the said order of competent authority dated 23.10.2018. By the order impugned, the learned Upper Commissioner had allowed the revision petition.
3. Learned Counsel for respondent no.3 submits that the competent authority rejected the application on the ground that, it has no jurisdiction to entertain the application in relation to commercial premises. He submits that, though the said

order of the competent authority came to be set aside in revision, however, considering the legal position, and as parties have already approached to the civil court he be permitted to withdraw original application itself.

4. Considering the facts and circumstances, the respondent No.3 is permitted to withdraw the application filed by it u/s 24 of the Act. Consequently, the order impugned is quashed and set aside. Needless to mention that the civil court shall decide the proceedings filed by the parties on its own merits. Petition is disposed of in above terms.

(N.R. BORKAR, J.)