

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

978 WRIT PETITION NO.3736 OF 2022

**VIJAYKUMAR LAXMRAO PATIL
VERSUS
SOMNATH DAMODHAR DHAGE AND OTHERS**

...
Advocate for Petitioner : Mr. D.J.Choudhary
Advocate for Respondents : Mr. A. A. Khonde
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CORAM : ARUN R. PEDNEKER, J.

DATE : 30.08.2023

PER COURT :

1. Learned counsel for the petitioner seeks leave to delete respondent Nos. 3 to 10. Leave granted.
2. Heard learned counsel for both the parties.
3. The petitioner has challenged the interim order dated 24.02.2022 passed by the learned President, Maharashtra Revenue Tribunal, Mumbai (Camp at Aurangabad) in Appeal No.38/A/2013/L, directing the landlord to deposit an amount of Rs. 50,000/- in the Tribunal before the next date, for enjoying yield -mesne profit of the disputed property since more than a decade and in the event the payment is not deposited, the right of the respondent -landlord would be forfeited. The landlord has challenged the order before this Court.

4. Learned counsel appearing for respondent No.1 – tenant who has filed the appeal before the Tribunal and as such he is the contesting respondent in this case . He further fairly submits that the order can be set aside as the Tribunal ought not to have passed such an order at an interim stage.

5. In view of the same, the impugned order dated 24.02.2022 passed by the Ld. President, Maharashtra Revenue Tribunal, Mumbai Camp at Aurangabad) in case No. 38/A/2013/L is set aside. The Ld. President, Maharashtra Revenue Tribunal shall decide pending appeal as expeditiously as possible and in any event within six months from the date of receipt of this order.

(ARUN R. PEDNEKER)
JUDGE

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shp/-