

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

WRIT PETITION NO.8925 OF 2023

Nasiruddin Bashiruddin Mattikop ... Petitioner

V/s.

The Mohammedan Education Society
Kolhapur ... Respondent

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Mr. Sandeep Koregave, Advocate for the Petitioner in all 3 matters.
Mr. Shantanu S. Kelekar, Advocate for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 26 SEPTEMBER, 2023

P.C.:

1. After the matter is argued for some time. The counsel for the parties on instruction agreed that the impugned judgment and order dated 18 May 2023 passed in Regular Civil Appeal No.2 of 2020 on Exhibit-27 to be quashed and set aside. Accordingly, the impugned Judgment and Order dated 18 May 2023, is quashed and set aside.

2. The matter is remanded back to the, District Judge Kolhapur, to hear the parties on Exhibit-27, after granting liberty to the parties to produce on record documents to justify their plea of market rent payable in the subject area where the suit premises is situated.

3. The parties are allowed a period of two weeks to file such documents. The learned Judge should thereafter, hear and decide the Application within a period of four weeks.

4. Accordingly, this Writ Petition is disposed of, as partly allowed.

(RAJESH S. PATIL, J.)