



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4456 OF 2022**

Anand G. Khare and anr	...Petitioners
Versus	
Rohidas D. Satpute and anr	...Respondents

Mr. Shailednra S. Kanetkar for the Petitioners.
Mr.Saurabh Butala a/w. Mr. Shubham Gangan i/b Mr. Harshad A.
Sathe for the Respondents.

CORAM : N. R. BORKAR, J.
DATE : 1 SEPTEMBER 2023.

PC:-

1. By the order impugned dated 27 August 2021, the learned Additional Commissioner, Pune Division, Pune rejected the Revision Application filed by the petitioners under Section 44 of the Maharashtra Rent Control Act, 1999 (Rent Act) against the order passed by the competent Authority, by which the competent Authority had allowed the application filed by the respondents under Section 24 of the Rent Act and directed the petitioners to hand over the vacant and peaceful possession of Flat No.16 in Vishal Cooperative Housing Society, Hingane Khurd, Pune.

2. The learned counsel for the petitioners submits that the learned Additional Commissioner rejected the Revision Application without deciding the application, which was filed by the petitioners, under Order 41 Rule 27 of Code of Civil

Procedure (C.P.C.) seeking permission to adduce additional evidence.

3. It is further submitted that the Revision Application was never argued on merits and only application under Order 41 Rule 27 of CPC was argued, however, the learned Additional Commissioner instead of deciding the said application decided the revision application on merits.

4. I have perused the impugned order. The learned Additional Commissioner in paragraph No.5.6 of it's order has stated that the permission to adduce additional evidence cannot be allowed. Therefore, the submission of learned counsel for the petitioners that the learned Additional Commissioner has not decided the application under Order 41 Rule 27 of the C.P.C. cannot be accepted. Similarly, the second submission also cannot be accepted as there is no material to show that only application under Order 41 Rule 27 of the C.P.C. was argued and not the revision application.

5. Apart from above, according to the petitioners, the respondents got executed the Sale Deed from them so also Leave and Licence Agreement by playing fraud upon them and the actual transaction was of the mortgage. In relation to alleged fraud, the petitioners appear to have already filed the Civil Suit. Considering the overall facts and circumstances, no interference is called for in the impugned order. Hence, the Writ Petition is dismissed.

6. The petitioners are permitted to withdraw the amount deposited by them pursuant to the order passed by this Court dated 13 April 2022.

(N. R. BORKAR,J.)