



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12179 OF 2023

Mamta A Chotwani and Anr.

...Petitioners.

Versus

Vijay Ramchand Rajwani and Others.

...Respondents.

Mr. Rajesh Adrekar, Hemali Kurne i/b Nedumpara & Nedumpara for the petitioner.

Ms. Minal Chandnani for the respondents.

Mr. A. P. Vanarase, AGP for the respondent-State.

Coram : Sharmila U. Deshmukh, J.

Date : December 5, 2023.

P. C. :

1. Challenge in the petition is to the execution proceedings filed by respondent no.1 being Execution Application No.63 of 2023. The admitted position is that by judgment of 14th March 2022, application of respondent no. 1 under section 24 of the Maharashtra Rent Control Act, 1999 has been allowed and the respondent therein – husband of the petitioner no.1 was directed to hand over vacant and peaceful possession of the premises. For execution of the said order, respondent no.1 has instituted execution proceedings which is sought to be challenged and stay is sought in the present proceedings. As the contention of petitioners is that they were not party to the

application under section 24 of the Maharashtra Rent Control Act, 1999, the petitioners are at liberty to raise all objections as to the execution of order qua the petitioners before the executing Court. The Executing Court to decide the application filed by the petitioners on its own merits and in accordance with law.

2. Writ petition is dismissed.

[Sharmila U. Deshmukh, J.]