

VRJ

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

**FIRST APPEAL NO.142 OF 2023
WITH
INTERIM APPLICATION NO.1366 OF 2023**

Premier Furnishing & Decorating
Pvt.Ltd.

... Appellant

V/s.

The Cricket Club of India Ltd.

... Respondent

Mr. Raj Patel with Mr. Niket Jani i/by Vigil Juris for the
appellant.

Mr. Vineet Naik, Senior Advocate with Ms. Hetal
Master i/by Ashwin Ankhad & Associates for the
respondent.

CORAM : AMIT BORKAR, J.

DATED : FEBRUARY 24, 2023

P.C.:

1. The appeal is directed against the judgment and decree dated 5th September 2022 passed in SC Suit No.2905 of 2014 holding the defendant trespasser in the suit premises specifically described in plaint prayer (a). Additionally, the learned Trial Court has directed the defendant to restore the possession of the suit premises to plaintiff by removing construction caused in the suit premises forthwith.

2. Learned advocate for the appellant, on instructions of the representative of the appellant who is present in Court, states that

appellant's grievance would be satisfied if the rights of the appellant conferred under section 29 of the Maharashtra Rent Control Act, 1999 concerning suit premises are protected.

3. Mr. Naik, learned senior advocate, on instructions, states that the respondent has no objection if the decree is modified to that extent.

4. By consent of the parties, the impugned decree is modified holding that the appellant shall have rights conferred under section 29 of the Maharashtra Rent Control Act, 1999 concerning the suit premises.

5. The first appeal stands disposed of in above terms. No costs

(AMIT BORKAR, J.)