

Harish

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

WRIT PETITION NO. 1178 OF 2023

Mrs. Saroja Mahalingam ...Petitioner

Versus

Loweth Jude D' Abreo & Anr. ...Respondents

Mr. Rakeshkumar R. Tiwari, for the Petitioner.

Mr. Pankaj R. Thatte, for the Respondent Nos. 1 to 4.

CORAM : MADHAV J. JAMDAR, J.

DATE : 2nd MARCH, 2023

P.C.:

1. Heard Mr. Tiwari, learned counsel appearing for the Petitioner. The Petitioner by way of the present Writ Petition filed under article 227 of the Constitution of India has challenged the legality and validity of order dated 17th October, 2019 passed by learned Judge, Small Causes Court at Bandra, Mumbai below Exhibit-14 in R.A.E. Suit No. 595 of 2018 as well as the Judgment and Order dated 13th October, 2022 passed by the learned Revisional Court of Small Causes at Mumbai (Bandra Branch) in Revision Application No. 91 of 2022 in Exhibit-14 in R. A. E. Suit No. 595 of 2018.

2. The factual position on record show that, the present Respondents have filed the R. A. E. Suit No. 595 of 2018 against

the present Petitioner seeking the possession on the various grounds available under Maharashtra Rent Control Act, 1999. Exhibit-14 Application is filed by the Plaintiffs seeking that the Defendants i.e. Petitioners be directed to give the inspection of the suit premises to the plaintiffs along with their authorised representative, their architect and their photographer and to permit measurement to the suit premises to be taken and photographs of the suit premises to be taken.

3. It is significant to note that the Suit has been filed *inter alia on the ground* of Section 16(1)(a) and Section 16(1)(b) of the Maharashtra Rent Control Act. The said Application has been filed under Section 28 of the Maharashtra Rent Control Act. Section 28 provides that the landlord shall be entitled to inspect the premises let or given on licence, at a reasonable time after giving prior notice to the tenant, licensee or occupier.

4. It is the main contention of Mr. Tiwari that the Petitioners have purchased the property from the Respondents. However he stated that the said agreement is not registered and therefore, the said transaction is not completed. However by the impugned order what has been directed is that, the Petitioners to give inspection of suit premises to the Respondents along with their representative, architect and photographer and take measurement and photographs. Therefore no prejudice will be

caused to the Petitioner. The said order of the learned Trial Court is confirmed by the learned Revisional Court. No ground is raised to interfere in the impugned orders under the discretionary jurisdiction of this Court under Article 227 of the Constitution of India.

5. The Writ Petition is dismissed, however, with no order as to costs.

(MADHAV J. JAMDAR, J.)