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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

40 WRIT PETITION NO. 11451 OF 2024

JAYANT BABURAO WANI

VERSUS

SATISHCHANDRA RAMCHANDRA WANI AND OTHERS

Mr.V.B. Patil, Advocate for the petitioner.

Mr.G.V. Wani, Advocate for respondent No.1.

CORAM : KISHORE C. SANT, J.

DATE : 14.10.2024

PC :-

01. Heard learned Advocates for the parties. The limited grievance of the petitioner is that in the revision application preferred by the petitioner before the Divisional Commissioner, Nashik Division, Nashik, the Additional Commissioner has rejected the application for stay to the impugned judgment and order therein. The dispute is between landlord and tenant. The petitioner happens to be a tenant. His only apprehension is that if stay to the eviction is not granted, his revision would become infructuous.

02. The learned Advocate Mr. Wani for respondent No.1. vehemently opposes the petition. He submits that the learned Additional Commissioner has rightly exercised the jurisdiction. Grant of stay or

interim relief is purely a matter of discretion. The learned Divisional Commissioner has not exceeded jurisdiction by passing this order. He also considered merits and prima facie case. He, thus, prays for rejection of the petition.

03. After hearing the parties, this Court finds that the present petitioner is a tenant of respondent No.1. There is already an order of eviction passed against the petitioner by the competent authority vide order dated 27.06.2024. If no stay is granted and in the meantime the petitioner is evicted, the revision may become infructuous. This Court finds substance in the submission.

04. Respondent No.1 is the only contesting respondent. Respondent Nos. 2 and 3 are brother and sister of the petitioner and as such there is no relief claimed against them. Therefore, this Court does not find it necessary to issue notice to respondent Nos. 2 and 3.

05. In view of above, this Court is inclined to allow the petition with following directions.

(i) Revision Application bearing Rent Control Revision

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Application No.406 of 2024 shall be decided as early as possible and preferably before 31.12.2024.

(ii) Till decision of the revision application, the petitioner shall not be evicted.

(iii) The writ petition is accordingly allowed and is disposed off.

[KISHORE C. SANT, J.]