

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 690 OF 2023

ALONGWITH

CIVIL REVISION APPLICATION NO. 691 OF 2023

Dattatray Shankar Yelankar

..... Applicant

VERSUS

**Vidyadhar Kesharchand Doshi
(Deceased) Thr LRs.**

Pushpak Vidyadhar Doshi

..... Respondent

Mr.Prasad P. Kulkarni for the Applicant in both CRA.

Mr.Mandar Soman for the Respondent in both CRA.

CORAM: RAJESH S. PATIL, J.

DATE : 2 APRIL, 2024

P.C. :-

The parties have signed the consent terms dated 2 April, 2024. Both the learned counsel submit that their respective clients have signed the consent terms in their presence and the parties are present in Court. The consent terms dated 2 April, 2024 are taken on record and marked 'X' for identification. For ease of reference, a scanned copy of the consent terms is reproduced hereinbelow :-

X
R/C
2/4/2024
Tendani in court
R/S
2/4

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 690 OF 2023
WITH
CIVIL REVISION APPLICATION NO. 691 OF 2023.**

Dattatray s/o. Shankar Yelankar ... Applicant
Versus
Vidhyadhar Kesharchand Doshi (deceased)
through LRs Pushpak Vidhyadhar Doshi ... Respondent

CONSENT TERMS

1. The Respondent is the Original Plaintiff/landlord and the Petitioner/Applicant is the original Defendant in Suit nos. 446 & 447 of 2015 filed before the Court of Civil Judge Junior Division, Solapur.
2. The Petitioner has filed the above two Civil Revision applications challenging the impugned Judgment, Order & Decree dated 03.10.2023 passed by the Ld. District Court, Solapur in Regular Civil Appeal nos. 9 & 10 of 2023, which confirm the Judgement, Order & Decree dated 22.12.2022 passed by the 6th Joint Civil Judge Junior Division, Solapur, which decreed the suit of the plaintiff on the ground of bonafide requirement under section 16(1)(g) of the Maharashtra Rent Control Act, 1999.
3. The suit no. 446 of 2015 was filed for recovery of possession of the tenanted residential admeasuring 10x10 feet. Suit no. 447 of 2015 was filed for recovery of possession of a wooden khoka admeasuring 7x7 feet. Thus the applicant/Petitioner was in possession of 149 square feet as a tenant in both the suits, which 149 square feet is herein after referred to suit premises.

4. Pending the hearing and final disposal of the present *Civil Revision Application*, the parties have decided to settle the disputes amicably on the following terms;
- a) The parties have identified the alternative premises to be allotted on tenancy to the Petitioner/tenant, in lieu of the two suit premises. The respondent/landlord will give on tenancy a combined unit of 154.815 square feet out of which 105.815 feet for residential including an inside toilet and 49 sq feet shop (which is shown in layout) to the Petitioner/tenant on the same terms and conditions of tenancy.
 - b) The Rent for the combined of 154.815 square feet will be Rs. 1340/-, that is the existing Rent for both Residential Rs.599/- and Shop Rs.741/-.
 - c) The parties have taken joint measurements of the new tenanted premises and agreed that the premises do admeasure 154.815 square feet. The map of joint measurement signed by the parties is hereto annexed as Exhibit "A"
 - d) Respondent/Landlord will put the Petitioner in possession of the new tenanted premises immediately from the next day of signing of the consent terms.
 - e) The Petitioner/Tenant will vacate the suit premises within two days after the possession of the new tenanted premises.
 - f) The Petitioner/Tenant will be entitled to construct a bathroom inside the new tenanted premises i.e. in 154.845 sq feet area at its own costs.
 - g) The Respondent Landlord undertakes to withdraw the Mense Profit Application which is pending adjudication.
 - h) The parties undertake to this Hon'ble Court to comply with clauses (d), (e) & (g) above.

5. The undertakings be accepted as an undertaking to this Hon'ble Court.

6. The Civil Revision Application be disposed off in terms of the consent terms.

7. The Respondent/landlord has no objection to Applicant fitting a Shutter on front side of suit premises.
Date - 2.4.2024

Dattatray s/o. Shankar Yelankar
Petitioner

Pushpak Vidhyadhar Doshi
Respondent

Prasad Kulkarni
Advocate for Petitioner

Mandar Soman
Advocate for Respondent

2. All undertakings recorded in the consent terms are accepted as an undertaking given to this Court. Order in terms of the consent terms.

3. Civil Revision Application No. 690 of 2023 along with Civil Revision Application No. 691 of 2023, are disposed of in terms of the consent terms.

[RAJESH S. PATIL, J.]