

Shabnoor

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

**INTERIM APPLICATION NO.4137 OF 2023
IN
WRIT PETITION NO.1276 OF 2022**

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Ratan Ashok Kharat & Anr	... Applicants
In the matter between	
Supriya Bhimrao Barshinge	... Petitioner
V/s.	
Ratan Ashok Kharat & Anr	... Respondents

Mr. Ashok B. Tajane, for Applicants and for Respondents in WP/1276/2022.

Mr. Rohan H. Barge, for Petitioner in WP.

Mr. Y. D. Patil, AGP for State/Respondent No.3.

CORAM : AMIT BORKAR, J.

DATED : MARCH 27, 2024

P.C.:

1. It is undisputed that the predecessor of petitioner and respondents was tenant in the property. It is undisputed that the provisions of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 are applicable.

2. In view of Section 5(11)(c)(ii) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947, all legal heirs are entitled to succeed becomes tenant; hence, prima facie proceedings under the Maintenance and Welfare of Parents and

Senior Citizens Act, 2007 was not maintainable. This Court has already issued Rule and granted interim relief. Unless the suit is concluded and rights of the parties are adjudicated in a suit, the writ petition cannot be decided. Hence, interim application is rejected.

3. Learned Advocate for the applicant requested for early hearing of the writ petition. The request of earlier hearing is rejected. However, it will be open for applicant to file appropriate application after final disposal of the suit.

4. The interim application stands disposed of.

(AMIT BORKAR, J.)