

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9708 OF 2019

Ramtilak Sharma

..... Petitioner

VERSUS

Shakuntala Parshuram Patil

..... Respondent

ALONGWITH

INTERIM APPLICATION NO. 1297 OF 2023

IN

WRIT PETITION NO. 9708 OF 2019

Shakuntala Parshuram Patil

..... Applicant

IN THE MATTER BETWEEN

Ramtilak Sharma

..... Petitioner

VERSUS

Shakuntala Parshuram Patil

..... Respondent

Mr.Ashutosh R. Gole for the Petitioner.

Mr.Parag S. Mishra for the Respondent.

CORAM: RAJESH S. PATIL, J.

DATE : 15 APRIL, 2024

P.C. :-

This writ petition challenges an order passed by the Competent Authority, Konkan Division, Mumbai on an application for 'leave to defend' and revisional order passed by

the Additional Commissioner affirming that order.

2. By the impugned order, the 'leave to defend' was denied to the petitioner (who was shown as the respondent in the eviction application).

3. After the matter was argued for some time, both the learned counsel agree that suffice will be the purpose if the writ petition is disposed of with certain directions.

4. Writ petition is disposed of with following directions :-

(I) The impugned judgment and order dated 26 April, 2018 passed by the Competent Authority, Konkan Division, Mumbai on order below application for 'leave to defend' and order dated 17 June, 2019 passed by the Additional Commissioner, Konkan Division in Revision Application and judgment and order dated 26 April, 2018 passed by

the Competent Authority in Application No. 19 of 2016 are hereby quashed and set aside.

(II) The application filed by the original respondent before the Competent authority for 'leave to defend' is hereby allowed.

(III) Both the parties are allowed to file documents, relied upon by them and their written submissions/ written statements. After the submissions are filed by both the parties, Competent Authority to decide the matter on its own merits.

(IV) The hearing of the Application No. 19 of 2016, is hereby expedited.

5. Writ petition is accordingly disposed of.
6. In sequel, interim application is also disposed of.

[RAJESH S. PATIL, J.]