

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2989 OF 2024

Bina Gobind Agarwal

..... Petitioner

VERSUS

**Competent Authority,
Rent Control Act, Konkan Division
& Ors.**

..... Respondents

Ms. Akansha Agrawal a/w. Mr. Manish B. and Mr. Lalit Pal for the
Petitioner.

CORAM: RAJESH S. PATIL, J.

DATE : 4 MARCH, 2024

P.C. :-

Ms. Agrawal, learned counsel appearing for the petitioner at the beginning of the argument states that she wants to delete the name of the respondent nos. 1 and 2 as the party respondents in this writ petition.

2. Liberty as prayed is granted. Amendment to be carried out forthwith.

3. The petitioner herein is challenging the impugned order dated 25 November, 2021 passed by the Competent Authority and impugned order dated 7 March, 2022 passed by the Competent Authority, Konkan Division and impugned order dated 11 September, 2023 passed by the Additional Commissioner, Konkan Division,.

4. Ms.Agrawal, submits that the possession of the suit premises has been handed over pursuant to the order passed by the Competent Authority on 21 March, 2022. She submits that there was no transaction between the parties and the present proceedings arises out of the alleged leave and licence agreement. She submits that the eviction proceeding was filed under section 24 of the Maharashtra Rent Control Act against the petitioner and her husband. She submits that the *ex-parte* decree was passed in the said eviction proceedings when the petitioner and her husband were not in this country.

5. She further submits that the petitioner has already filed a

suit against the original applicant before the Original Side of this Court. She submits that in the said suit, an interim application was preferred by the petitioner herein and there are some protection orders granted to her client in the said proceedings.

6. Accordingly, a case is made out for issuance of notice to the respondents. Issue notice to the respondent no.3, returnable on **1 April, 2024**.

7. Apart from the court notice, the petitioner is also permitted to serve the respondent no.3 by private notice, by all permissible modes of service and file affidavit of service before the next date of the hearing.

[RAJESH S. PATIL, J.]