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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.4920 OF 2024

Sandip S.Gaikwad & Anr.

...Petitioners

V/s.

Ramkumar L. Tolani & Ors.

...Respondents

Mr.Nitin Deshpande for the Petitioners.

Mr.V.G. Badgujar, AGP for the State - Respondent No.3.

CORAM : RAJESH S. PATIL, J.

DATE : 3RD APRIL, 2024.

P.C. :-

1. This Writ Petition is filed by the licensees challenging the order passed by the Competent Authority, Rent Control Act, Pune and the order dated 19 March 2024 passed by the Additional Commissioner, Konkan Division, Pune.

2. Mr.Deshpande appearing for the Petitioners submits that though they have signed the Leave and License Agreement dated 30 July 2018, wherein the present Petitioners were the

licensees. He submits that though the Leave and License Agreement was for eleven months however, according to him there was a transaction between the parties for buying the subject bungalow, wherein the present Petitioners paid Rs.1,50,00,000/- in cash to the licensors. He submits that the license period though has expired, his clients are still in possession of the subject bungalow. He submits that the Leave and License Agreement is not a registered agreement. Therefore, his client will have the benefit of non-registration of agreement as available under the Rent Act.

3. Mr.Deshpande submits that his clients will be willing to vacate the subject bungalow and also giving an undertaking if reasonable time is allotted for giving subject to filing an undertaking of both the Petitioners and if there is concession given to them as far as the amount of damages, as payable in respect of the subject bungalow of being occupied from 3 March 2019 till they vacate the subject bungalow.

4. Issue notice to Respondent Nos.1 and 2, returnable on 17 April 2024. Humdast is permitted. Apart from the Court

notice, the Petitioners are permitted to serve Respondent Nos.1 and 2 by advocate's private notice by all permissible modes of service.

5. Stand over to 17 April 2024. To be placed first on board.

6. All parties to act on the authenticated copy of this order.

(RAJESH S. PATIL, J.)