

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5624 OF 2024

Ram @ Ramesh Shivaram Kriplani

Since Deceased By LRs

Smt Sangeeta Ram Kriplani & Ors.

..... Petitioners

VERSUS

Surekha @ Rekha Sharad Muttha & Anr.

..... Respondents

Mr.Prasad Dani, Senior Advocate a/w. Mr.Nikhil Ghate for the
Petitioners.

None for the Respondents.

CORAM: RAJESH S. PATIL, J.

DATE : 17 APRIL, 2024

P.C. :-

This writ petition is filed by the licensee, in the proceedings filed by the licensor before the Competent Authority, Rent Control Act, Pune Division. By the impugned order dated 9 February, 2024, the application filed by the legal heirs of the original opponent was rejected.

2. Mr.Dani, learned senior counsel appearing for the

petitioners (original opponent) submits that the father of the petitioner, was the opponent before the eviction proceedings filed under section 24 of the Maharashtra Rent Control Act, 1999. He submits that the evidence was filed by the said original opponent and while the cross examination was in process, unfortunately the original opponent died. He submits that thereafter the present petitioners being the legal heirs of the original opponent, was brought on record. He submits that after being brought on record, the present petitioners took steps to file their affidavit of evidence before the Competent Authority, in order to lead evidence. He submits that the said application filed by the petitioners was rejected.

3. Issue notice to the respondents, returnable on **8 May, 2024**.

4. Apart from the court notice, the petitioners are also permitted to serve the respondents by private service, by all permissible modes of service and file affidavit of service before the next date of the hearing.

In the meantime, there will be *ad-interim* relief in terms of prayer clause (b). The said prayer clause (b) reads as under :-

(b) Pending hearing and final decision of this Writ Petition, the further proceedings of Eviction Application No. 25 of 2011 pending before the Competent Authority, Rent Control Act Court, Pune, may be stayed.

[RAJESH S. PATIL, J.]