

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7790 OF 2024

Mehrunnisa Abdul Ajij Khan

...Petitioner

Versus

The Competent Authority Konkan Division
Mumbai and Ors.

...Respondents

SNEHA
NITIN
CHAVAN

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Ms. Prajakta Deshmukh i/b Syed M.M. Bukhari for the Petitioner.
Mr. Y.D. Patil, AGP for the Respondent Nos. 1 and 2/State.
Mr. Ishan Srivastava for Respondent Nos. 3 and 4.

CORAM : M.M. SATHAYE, J.
DATE : 29 MAY 2024
(VACATION COURT)

P.C. :

. Heard learned counsel for the Petitioner, learned AGP for Respondent Nos. 1 and 2 and learned counsel for the Respondent Nos. 3 and 4.

2. The Petitioner is a licensee of Respondent Nos. 3 and 4 (licensor) in respect of the subject matter premises which is flat No. 101, 1st floor, Kalpataru Apartment, Amrut Nagar, Mumbra, Thane.

3. Learned counsel for the Petitioner pointed out that in the proceedings filed against her under Section 24 of the Maharashtra Rent

Control Act, 1999 (hereinafter 'the Rent Act' for short), the Petitioner had filed application seeking leave to defend. The said application was rejected in April, 2023. The Competent Authority thereafter proceeded with the matter on merits and granted eviction order on 24.05.2023. The Petitioner challenged the final order dated 24.05.2023 along with order of rejection of her application seeking leave to defend, by filing Revision Application No. 607 of 2023 before the Additional Commissioner, Konkan Division, Mumbai. This application is rejected by the impugned order dated 18.12.2023 on the ground of delay.

4. Perusal of the impugned order shows that the delay of 38 days is not condoned. It is the case of the Petitioner that under MoU dated 07.05.2021, the Respondent/licensor had in fact agreed to sell suit premises to the Petitioner under which substantial amount is paid by her. This case is strongly disputed by the learned counsel for the Respondent/licensor. Be that as it may.

5. The matter is moved urgently before the vacation Court in view of the Execution Notice dated 06.05.2024 received by the Petitioner stating that eviction would be effected on 30.05.2024 i.e. tomorrow.

6. The learned counsel for the Respondent/Licensor has opposed on

the ground that the Petitioner is in arrears of compensation / licence fees of Rs. 5,000/- per month, since last many years. The learned counsel for the Petitioner on instructions has shown willingness to deposit Rs.25,000/- in this Court within a period of 1 week from today to show her bona-fides and she urges that the Petitioner is in need of a roof over her head and if the eviction is permitted to proceed, it will cause great hardship to her.

7. In the aforesaid facts and circumstances, place the petition for further orders on 24.06.2024 before regular Court.

8. Till the next date, the order of eviction dated 24.05.2023 confirmed by the impugned order dated 18.12.2023, is stayed.

9. All contentions of the parties are kept open. The Respondent/Licensor is at liberty to move appropriate application in respect of pending compensation.

10. All concerned to act on duly authenticated/digitally signed copy of this order.

(M.M. SATHAYE, J.)