

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.104 OF 2022
WITH
INTERIM APPLICATION NO.15807 OF 2024

Mohan Bhagawan Kakade ...Applicant
Versus
Vidyadhar Kesharchand Doshi & Ors. ...Respondents

Mr. A. M. Kulkarni a/w. Mr. Akshay Kulkarni i/b. Mr. Samir Kumbhakoni, for the Applicant.
Mr. Mandar Soman, for the Respondent No.1.

CORAM: MADHAV J. JAMDAR, J.
DATED : 7th MARCH 2025

P. C.:

1. Heard Mr. Kulkarni, learned Counsel appearing for the Applicant and Mr. Soman, learned Counsel appearing for the Respondent No.1.

2. Both the learned Counsel state that the parties have settled the dispute on the terms which are set out in the Minutes of Order. Both the learned Advocates state that the arrangement is agreed between the parties and accordingly, the same is set out in the Minutes of Order. However, as the parties are senior citizens, they

are not present in the Court and could not sign the Minutes of Order. The Minutes of Order are signed by the respective Advocates.

3. Accordingly, said Minutes of Order are taken on record and marked 'X' for identification. The said Minutes of Order read as under:

"MINUTES OF ORDER

The Applicant-Defendant is original tenant and the Respondents-Plaintiffs are original Landlords. The present dispute pertains to two suit premises, one admeasuring 15 x 15 sq. feet and other 15 x 10 sq. feet, totaling to an area of 375 sq. ft., situated at C.T.S. No. 8512, Municipal House No. 126, Solapur, District: Solapur.

The Applicant-tenant has filed the present Civil Revision Application impugning Judgment, Decree and Order dt. 20.11.2019 passed by the Ld. District Judge-4, Solapur in Review Petition No. 3 of 2019 and the Judgment and order dated 12.03.2019 passed by the Ld. District Judge-6 Solapur in Regular Civil Appeal No. 239 of 2015 confirming the order dated 12.10.2015 in R.C.S. No. 569 of 2008.

This Court (Coram: Nitin W. Sambre, J.) was pleased to admit Civil Revision Application vide order 21.06.2022, on the ground that the suit had been filed before completing the period of 90 days as per the provisions of Maharashtra Rent Control Act and therefore the suit is not maintainable as the suit is premature.

Thereafter the Respondents-landlords had filed the interim applications for interim compensation. The said application was allowed by this Court (Coram: Sandeep V. Marne, J.) vide order 14.08.2024 thereby directing the Applicant – tenant to pay monthly compensation of Rs. 15,000/- from 12 October 2015 till 31 October 2024 and continue to pay thereafter, failing which the decree would become executable. Due to the financial constraints, Applicant – tenant could not comply with this order. Therefore, the Respondents-landlords have initiated execution of the decree. However, the actual possession of the suit properties is still with the Applicant – tenant.

In these circumstances, the Applicant-tenant filed Interim Application No. 15807 of 2024 for modification of order dated 14.08.2024 and further for handing over the possession of suit premises to the Respondents–landlords subject to outcome of above Civil Revision Application. The aforesaid Interim Application is pending for orders.

At this juncture, both the parties have arrived at amicable settlement. The Advocates appearing for the parties, on instructions of the respective parties, state that the present Civil Revision Application may be disposed off in the following terms of the present minutes of order, without recording any reasons.

1. The Ld. Advocate for the Applicant – tenant states, on instructions from the Applicant, that the Applicant– tenant shall handover the vacant and peaceful possession of both the suit premises admeasuring 15 x 15 sq. feet and 15 x 10 sq. feet totaling to an area of 375 sq. ft situated at C.T.S. No. 8512, Municipal House No. 126, Solapur to the Respondents–landlords within the period of two months from today by removing all the articles, equipments, utensils etc. used for the bakery business.

2. The Ld. Advocate for the Respondent - landlord states, on instructions from the Respondents-landlords that the Respondents-landlords shall not claim or demand any amount towards the past or future compensation pursuant to order dated 14.08.2024 passed by this Court (Coram: Sandeep V. Marne, J.) in Interim Application No. 17930 of 2022 & Interim Application No. 17933 of 2022 and shall also not claim any other past or future amounts towards rent, damages, charges etc. from the Applicant-tenant in respect of suit premises.

3. The above assurances are accepted as undertakings to this Court.

4. The Civil Revision Application as well as pending Interim Application are disposed off in the above terms. Rule discharged. No costs.”

4. Various statements as recorded in the said Minutes of Order, made on instructions of respective parties, are accepted as undertakings given to the Court.

5. The Civil Revision Application is disposed of in terms of the Minutes of the Order.

6. In view of the disposal of the Civil Revision Application, nothing survives in the Interim Application and the same is also disposed of.

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[MADHAV J. JAMDAR, J.]