

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2764 OF 2024

Ashok Harishchandra Patil & Ors.

...Petitioners

Versus

Haresh Shankar Purohit & Ors.

...Respondents

Mr. Mandar Patil a/w Ms. Mamta Magare i/by M/s Bagkar & Co.,
Advocate for Petitioners.

Mr. Dushyant Pagare, Advocates for the Respondent No.9.

Ms. Chaitrali Deshmukh a/w Mr. Mahesh S. Pawar for Respondent
No.11

CORAM: MADHAV J. JAMDAR, J.

DATED : 10th March 2025

P.C.:

1. Heard Mr. Mandar Patil, learned Counsel for the Petitioners,
Mr. Dushyant Pagare, learned Counsel for the Respondent No.9
and Ms. Chaitrali Deshmukh, learned Counsel for the Respondent
No.11.

2. The challenge in this Writ Petition filed under Article 227 of
the Constitution of India is to the Order dated 22nd June 2023
passed by the learned Joint Civil Judge, Senior Division, Thane,
below Exhibit 31 in Regular Darkhast No. 13 of 2019.

3. It is admitted position that pursuant to the Order dated 10th February 2025, the Petitioner has been put in possession of newly constructed premises.

4. Accordingly, the Judgment and Decree dated 29th July 2015 passed in Regular Civil Suit No. 277 of 2009 is partly complied with.

5. It is the submission of Mr. Pagare, learned Counsel for Respondent No.9 that for effectively completion of execution of decree, execution and registration of tenancy agreement is required as well as fixation of the standard rent by taking into consideration the aspect that the buildings as well as the suit premises has been re-constructed.

6. On the other hand, it is the submission of Mr. Mandar Patil, learned Counsel for the Petitioner that in terms of Section 20 of the Maharashtra Rent Control Act, the rent can be fixed double of the original rent.

7. However, after arguing the matter for some time, both the learned Counsel submitted that the impugned Order dated 22nd June 2023 be quashed and set aside and said application bearing

Exhibit 31 in Regular Darkhast No.13 of 2019 be remanded back to the learned Executing Court.

8. Mr. Mandar Patil, learned Counsel for the Petitioner, on instructions of the Petitioner No.1, who is personally present in the Court states that without prejudice to the rights and contentions of the Petitioner, an amount of Rs.10,000/- per month will be deposited with Respondent No.9 towards rent w.e.f. 1st February 2025. The said amount of Rs.10,000/- per month will be deposited in the account of the Respondent No.9 on or before 10th day of each succeeding month and for the period from 1st February 2023 till 31st March 2025, the same shall be deposited on or before 10th April 2025. It is clarified that all these payments are without prejudice to the rights and contentions of the parties.

9. All these statements made by the learned Counsel for the Petitioner, on instructions of the Petitioners and in the presence and on instructions of the Petitioner No.1, are accepted as undertakings given to this Court by the Petitioners.

10. Mr. Mandar Patil, learned Counsel for the Petitioners states that the Petitioners will file an appropriate application seeking

fixation of the standard rent within a period of three months from today.

11. Accordingly, by consent, the impugned Order dated 22nd June 2023 passed by the learned Joint Civil Judge, Senior Division, Thane, below Exhibit 31 in Regular Darkhast No. 13 of 2019 is quashed and set aside and said Application below Exhibit 31 in Regular Darkhast No.13 of 2019 is restored to the file of the learned Civil Judge, Senior Division, Thane, subject to the undertakings given by the Petitioner and subject to above.

12. It is clarified that this Court has not considered merits of the matter and all contentions on merits are expressly kept open including even with respect to such standard rent application.

13. The Writ Petition is disposed of in above terms with no order as to costs.

BHALCHANDRA
GOPAL DUSANE

(MADHAV J. JAMDAR, J.)

Digitally signed by
BHALCHANDRA
GOPAL DUSANE
Date: 2025.03.11
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