

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6395 OF 2025

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Sheetal Baburao Jamane

...Petitioner

Versus

Ashadevi Gopaldas Lulla

...Respondent

Mr. Sunil Lalla, for the Petitioner.

CORAM: MADHAV J. JAMDAR, J.

DATED: 09 MAY 2025

P.C.:

1. Not on board. Taken on board.
2. Mr. Sunil Lalla, learned Counsel appearing for the Petitioner states that Advocate of the Respondent has been served. However, none appears for the Respondent.
3. The matter is moved as the Competent Authority, Rent Control Act Court, Konkan Division, Mumbai has issued warrant of possession by Order dated 2nd April 2025.
4. Mr. Sunil Lalla, learned Counsel states that the Revision has been filed in January, 2025 challenging the Order dated 17th December 2024 passed by the Competent Authority, Rent Control Act Court, Konkan Division, Mumbai in Eviction Application No.28 of 2024. However, till

date, the Commissioner, Konkan Division, Mumbai is not taking up the Revision for hearing and/or for interim relief.

5. Accordingly, Writ Petition is disposed of by passing following Order :-

- i. The Order dated 2nd April 2025 passed by the Competent Authority, Rent Control Act Court, Konkan Division, Mumbai below Exhibit-1 in Execution Application No.13 of 2025 (Pages 125-126) and consequent warrant for possession dated 2nd April 2025 (Pages 127-128) are kept in abeyance till the Commissioner, Konkan Division, Mumbai takes up the Revision filed by the Petitioner (Pages 86-111) challenging the legality and validity of the Order dated 17th December 2024 passed by the Competent Authority, Rent Control Act Court, Konkan Division, Mumbai in Eviction Application No.28 of 2024 for hearing and/or for considering the stay application.
- ii. The Commissioner, Konkan Division, Mumbai is directed to decide the said Revision and/or stay application filed in said Revision seeking to stay the Order dated 17th December 2024 passed by the learned Competent Authority, Rent Control Act Court, Konkan Division, Mumbai in Eviction Application No.28 of 2024 on or before 30th June 2025.
- iii. The Petitioner who is personally present in Court states that till

April 2025 compensation at the rate of Rs.28,000/- has been deposited in the account of the Respondent. The Petitioner to deposit an amount of Rs.35,000/- per month in the account of the Respondent, without prejudice to the rights and contentions of both the parties, on or before the 25th day of each month until further Order of the Commissioner, Konkan Division, Mumbai. First such deposit shall be made on or before 25th May 2025.

- iv. The Commissioner, Konkan Division, Mumbai to either take up the Revision or stay application filed by the Petitioner for hearing and decide the same on or before 30th June 2025.
- v. It is clarified that all contentions of both the parties on merits are expressly kept open.

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

7. If the Respondent is aggrieved by this Order, then the Respondent is at liberty to take out an appropriate application in this Writ Petition for setting aside and/or variation of this Order.

[MADHAV J. JAMDAR, J.]