Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13961 OF 2025

ARJUN VITTHAL KUDHEKAR
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Date: 2025.11.15 19:31:40 +0530

Sunil Mohan Sarode …Petitioner

Versus

Tatyabhau Ramchandra Mokal & Ors. …Respondents

Mr. Amrut Joshi a/w Nitesh Agarwal, Yazad Udwadia & Sachin Patil, for the Petitioner.

Mr. Rahul Motkari a/w Manasi Pawar, for Respondent Nos.1 & 2.

CORAM: MADHAV J. JAMDAR, J.
DATED: 13 NOVEMBER 2025

P.C.:

1. Heard Mr. Joshi, learned Counsel for the Petitioner and Mr. Motkari, learned Counsel for the Respondent.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the Order dated 6th February 2024 passed by the Competent Authority, Rent Control Act Court, Nashik Division at Nashik in Application No.4 of 2022 as also the Order dated 15th April 2025 passed by the Additional Divisional Commissioner, Nashik Division, Nashik in Revision No.317 of 2024. The operative Order of the said Order dated 6th February 2024 reads as under :-

"***O R D E R***

1. The application is allowed.

2. The opponent is hereby directed to hand over vacant and peaceful possession of Survey no. 330/1 to 7/2/1 out of plot no.90 and 91 constructed the 'Chaitanyapushpa co-operative housing society' in the ground floor flat no.2 admeasuring area 1000 square feet. Dist. Nashik. within 30 days to the applicants.

3. The opponent is further directed to pay a license fee at the double rate i.e. Rs.8,000/- X 2 = 16,000/- per month from the opponent from 01/12/2019 till handing over the possession to the applicants as damages.

4. Applicants at liberty to appropriate the security deposit, if any."

3. The Additional Divisional Commissioner in Revision confirmed the said Order dated 6th February 2024 and dismissed the Revision.

4. It is an admitted position that the possession of the suit premises has already been received in execution by the Respondents from the Petitioner.

5. It is the submission of Mr. Joshi, learned Counsel for the Petitioner that although the Competent Authority directed payment of Rs.16,000/- per month w.e.f. 1st December 2019 till handing over the possession to the Applicant as damages, the Petitioner for the period from 1st December 2019 till June 2021 has paid an amount of Rs.8,000/- per month and credit is not given to the said payment made.

6. Mr. Motkari, learned Counsel appearing for Respondent Nos.1

and 2, denies that the Petitioner has made the said payment, however, on instructions, states that, if such amount is paid to the Respondent Nos.1 and 2, then Respondent Nos.1 and 2 have no objection to give credit to the same and the said aspect can be pointed out in the execution proceedings of the said Order.

7. Accordingly, the Writ Petition is dismissed, however, with no order as to costs. It is clarified that, if the Petitioner has made any payment towards leave and license charges for the period of 1st December 2019 till June 2021, then the same can be pointed out in the execution proceedings and if it is established that the Petitioner has made said payment, then credit be given to the same. All contentions in that behalf are expressly kept open.

[MADHAV J. JAMDAR, J.]