

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16566 OF 2025

Vaibhav Subhash Kute

...Petitioner

*Versus*

Shraddha Sachin Jadhav

...Respondent

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Mr. Chinmay Dharmadhikari a/w. Mr. Anish Khandekar a/w.  
Uroosa Shaikh i/b. Vanguard Law Group, for the Petitioner.

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**CORAM: MADHAV J. JAMDAR, J.**  
**DATED : 8<sup>th</sup> DECEMBER 2025**

**PC:-**

1. Heard Mr. Dharmadhikari, learned Counsel appearing for the  
Petitioner.

2. By the present Writ Petition, the challenge is to the legality  
and validity of the order dated 26<sup>th</sup> November 2025 passed by the  
Divisional Commissioner, Konkan Division, Mumbai in Revision  
Application No.437 of 2025 and the order dated 23<sup>rd</sup> April 2025  
passed by the Competent Authority (Rent Act), Konkan Division,  
Mumbai below Exhibit-9 in Eviction Application No.59 of 2024 as  
also order dated 23<sup>rd</sup> April 2025 passed in Eviction Application  
No.59 of 2024.

3. The said Exhibit-9 application has been filed seeking leave to defend the said Eviction Application No.59 of 2024. By the impugned order dated 23<sup>rd</sup> April 2025, the said application seeking leave to defend has been rejected by the Competent Authority. The Competent Authority also passed separate order dated 23<sup>rd</sup> April 2025 in said Eviction Application No.59 of 2024 by which, the Petitioner has been directed to vacate and handover the peaceful possession of the subject premises. By the impugned order dated 26<sup>th</sup> November 2025, the Additional Commissioner, Konkan Division, Mumbai confirmed both these orders dated 23<sup>rd</sup> April 2025.

4. Although it is the contention of Mr. Dharmadhikari, learned Counsel appearing for the Petitioner that there is transaction of purchase of the subject premises, however, in view of the Explanation (b) to Section 24 of the Maharashtra Rent Control Act, 1999 and in view of the law laid down by this Court in various judgments including in the judgment of ***Ramesh Ramrao Hate vs. Parvez B. Bhesania***<sup>1</sup>, wherein it has been held that no other evidence which is contrary to the terms and conditions of written agreement of leave and license agreement can be laid, after arguing the matter for some time, Mr. Dharmadhikari, learned Counsel appearing for the

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**1** 1997(1) Mh.L.J. 295

Petitioner seeks withdrawal of the Writ Petition. However, he submits that time be granted to vacate the subject premises till 31<sup>st</sup> March 2026 as the Petitioner intends to seek interim order in Short Cause Civil Suit No.1384 of 2023 filed in the City Civil Court, Mumbai by filing appropriate application seeking interim reliefs.

5. Mr. Dharmadhikari, learned Counsel appearing for the Petitioner, on instructions of the Petitioner, submits that if the Petitioner fails to get any relief in the said suit protecting his possession of the suit premises till 31<sup>st</sup> March 2026, then in that case, the Petitioner will immediately voluntarily handover the possession of the suit premises to the Respondent. The said statement of Mr. Dharmadhikari, learned Counsel appearing for the Petitioner, made on instructions of the Petitioner, is accepted as undertaking given to this Court.

6. Accordingly, the Writ Petition is disposed of by passing the following order:

**ORDER**

- (a) The Writ Petition is allowed to be withdrawn and dismissed as such, subject to the limited protection that the Petitioner shall not be evicted from the subject

premises till 31<sup>st</sup> March 2026. It is further directed that if the Petitioner fails to get any interim relief protecting his possession of the subject premises in the said pending Short Cause Civil Suit No.1384 of 2023 till 31<sup>st</sup> March 2026 then, in that event, the Petitioner to handover the possession of the subject premises to the Respondent immediately.

- (b) It is clarified that this Court has not considered merits of contentions of both the parties raised in said Short Cause Civil Suit No.1384 of 2023 pending in the City Civil Court, Mumbai and all contentions in that behalf are expressly kept open.

7. It is further clarified that as this order is passed without issuing notice to the Respondent and in absence of the Respondent, if the Respondent is aggrieved by this order, the Respondent is at liberty to file appropriate application seeking recall/modification of this order.

8. Accordingly, the Writ Petition is allowed to be withdrawn and dismissed as such subject to above.

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[MADHAV J. JAMDAR, J.]