

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.101 OF 2025

IN

WRIT PETITION NO.2240 OF 2025

Amal Dilip Desai

...Petitioner

Versus

Nilesh Dilip Desai & Anr.

...Respondents

Mr. Girish Godbole, Senior Advocate a/w Ms. Shweta Agarwal a/w Ms. Aishwarya shinde, for the Petitioner.

Mr. Ashish Gatagat a/w Mr. Aditya Shiralkar, for the Respondent No.1.

Mr. Laxminarayan Shukla i/b M/s. Legal Vision, for the Respondent No.2.

CORAM: MADHAV J. JAMDAR, J.

DATED: 2nd JULY 2025

P.C.:

1. Heard Mr. Godbole, learned Senior Counsel appearing for the Petitioner, Mr. Gatagat, learned Counsel appearing for Respondent No.1 and Mr. Shukla, learned Counsel for Respondent No.2.

2. It is the only submission of Mr. Godbole, learned Senior Counsel, that the Respondent No.1 at the relevant time i.e. when the mother passed away on 11th September, 2003 was at Ahmedabad and therefore the Respondent also cannot get any benefit of Section 7(15) Maharashtra Rent Control Act, 1999 (“**MRC Act**”) and therefore, the order dated 2nd April, 2025 is required to be recalled, reviewed or clarified.

3. Mr. Godbole, learned Senior Counsel, has pointed out Paragraph

No.8 of the said order dated 2nd April, 2025, which reads as under:-

“8. It is an admitted position that the original tenant of the suit premises is the father of the Petitioner and Respondent No.1. He passed away in the year 1993. Thereafter, the tenancy was transferred in favour of mother. The mother passed away in the year 2003. In the meanwhile during lifetime of the mother the present Petitioner shifted to USA in the year 1998 and acquired citizenship of USA.”

4. Mr. Godbole, learned Senior Counsel, fairly submitted that, there is no dispute as far as the facts which are mentioned in Paragraph No.8. However, Mr. Godbole, learned Senior Counsel only states that during the lifetime of the mother, tenancy has been transferred in the Petitioner's favour with the consent of the mother and therefore, he submits that all the contentions be kept open.

5. Perusal of Paragraph No.13 of the order dated 2nd April, 2025, which is sought to be reviewed, makes it clear that it is specifically clarified that the observations made in the said order dated 2nd April, 2025 as well as made in the order passed by the learned Trial Court as well as by the learned Appellate Court are made for the purpose of consideration of the interim relief and it is further clarified that the suit will be decided on merits without influenced by the said *prima facie* observations.

6. In any case, as per settled legal position at the time of deciding the suit finally, the observations made at the interim stage, are not required to be taken into consideration.

7. Accordingly, there is no substance in the Review Petition. The Review Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]