



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION No.1687 OF 2025

(Late Shri Prafulchandra Mayaram Mehta, through his son, Chandrashekhar Prafulchandra Mehta Vs. Late Shri Krushnarao Ramchandra Ghormade, through His son Shri Tejrao s/o. Krushnarao Ghormade and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. M.D. Samel, Advocate for petitioner.
Mr. Rohit M. Sharma, Advocate for respondent No.1.
Ms. P.C. Bawankule, AGP for respondent No.3/State.

CORAM : **ANIL L. PANSARE, J.**

DATE : **5th MAY, 2025.**

1. On 27th March, 2025 following order was passed :

“Heard.

The challenge is to order dated 22-8-2023 passed by competent authority under Rent Control Act Court, Nagpur. During the course of argument, one of the questions that cropped up is whether the proceedings before the Rent Controller were closed subsequent to appeal having been decided in the year 2015. The averment to that effect finds place in paragraph no. 2 of the reply filed by the petitioners to the application seeking to bring on record, the legal representatives of original parties.

The application filed by the respondents to bring on record the legal representatives of the original parties before the Rent Controller indicates that the proceedings before the Rent Controller were not traceable and it was only upon filing application under the Right to Information Act by the respondents, the case was fixed for hearing on 21-11-2022. It further appears that names of legal

representatives of both the parties were brought on record in an appeal filed against judgment passed by the Rent Controller. The judgment was set aside and the case remanded back, meaning thereby, that the rent control case was restored to the file of the Rent Controller. The question, therefore, is whether subsequent to the case having been remanded back, was the case closed and filed. As stated earlier, the petitioner made an averment in the reply filed to application to bring on record legal representatives of the parties that the case was closed and filed.

The order impugned and/or application filed for bringing legal representatives on record, however, does not indicate that the proceedings before the Rent Controller were closed. The petitioner shall, therefore, place on record the copy of order by which Rent Control Case No. 30/A-71(1)/1989-90 (old) and Case No. 36/A-71(1)/2022 (new) was closed and filed.

List in the week commencing from 14-4-2025.”

2. As can be seen in the earlier round of litigation in an appeal filed under Clause 21 of the C.P. & Berar Letting of Premises and Rent Control Order, 1949, the names of legal representatives of both parties were brought on record. The appeal was decided in the year 2015. The proceeding was remanded back to the competent authority. The respondent No.1 moved an application to bring on record legal representatives of both the parties. The competent authority having found that legal representatives were already brought on record in an appeal, allowed the application. While doing so the application seeking condonation of delay to bring on record legal representatives of the parties was also allowed.

3. Thus, it is evident that the competent authority having found that the legal representatives are already brought on record by the Appellate Authority, it has corrected its record by permitting respondent No.1 (original applicant) to bring on record legal representatives of both sides.

4. This finding has been upheld by the Appellate Authority and in this context order dated 27th March, 2025 was passed and petitioner was called upon to place on record the copy of order by which the Rent Control Case No.30/A-71(1)/1989-90 (old) and Case No.36/A-71(1)/2022 (new) was closed and filed. The counsel for petitioner has tendered across the bar application filed by him to obtain certified copies of the roznama and order passed by the Competent Authority. It appears that the roznama and the order passed during the period from 23rd March, 2015 to 21st November 2022 were not found. In other words, the said documents appears to have been misplaced.

5. That being so, there is no record to support the plea put forth by the petitioner that subsequent to remanding proceedings back to the competent authority, the same was heard and the proceeding closed for passing order. To state differently, the proceeding before the competent authority is still alive. It appears that for want of record the same were not taken up for hearing for substantial period viz from 2015 to 2022. It is upon insistence of respondent No.1 that matter was taken on board and thereafter application to bring on record legal representatives of both sides were allowed.

6. In the circumstances, I do not find any error in such an

approach inasmuch as the legal representatives having been brought on record in the proceeding before the Appellate Authority and since the original proceedings were remanded back for consideration afresh and since both the original parties expired the proceeding would only continue after bringing on record legal representatives. The question of delay in filing an application will have to be considered in context with what happened before the Appellate Authority. Thus, no substance is found in the petition, the petition stands dismissed. No order as to costs.

(ANIL L. PANSARE, J.)

Wadode