



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

WRIT PETITION NO. 4110 OF 2024
Mohd. @ Mohd. Sajid Inamorahim Rahim Sheikh
Vs.
Mazhar Saleem Ebrahim Khan

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri D. N. Mehta, Advocate for petitioner.

CORAM :- M. W. CHANDWANI, J.

DATED :- 17.02.2026

Heard.

2. The petition challenges the order dated 09.10.2023 passed by the Competent Authority, Rent Control Act Court, Nagpur in case bearing Rent Control No.50/2018 and order dated 05.07.2024 passed by the Additional Commissioner, Nagpur in Revision Application no. 154/RC-44/2023 whereby the petitioner was directed to vacate the residential house of the respondent with further direction to pay damages @ Rs.7000/- from April-2016 till actual delivery of vacant possession.

3. It is informed that during the pendency of the petition, the said orders have been executed and the possession of the premises was handed over to the respondent. The only point raised before me by learned counsel for the petitioner is that the Competent Authority

ought not have ordered the payment of damages since the agreement for leave and license does not prescribe any period.

4. Perusal of clause no. 5 of the leave and license agreement dated 28.09.2012 is relevant for this purpose which is reproduced as under:-

“v. That on the expiry of the terms or create of the license that is for 6 months from 9.9.2012 to 8.3.2013 the licensee shall hand over the vacant possession of the licensed premises to the Licensor in the same condition in which the premises now exist subject to normal wear and tear. The licensee’s occupation of the premises after 6 months i.e. after 8.3.2013, the license fee will be Rs.3500/- per month on ward.”

5. Perusal of this condition clearly demonstrate that license was up to 08.03.2013. Further there is specific stipulation in clause No. 5 that beyond such period the license fees will be @ Rs.3500/- per month. Hence, I do not see any perversity in the orders passed by the Competent Authority, Rent Control Act Court, Nagpur as well as the Additional Commissioner, Nagpur.

6. The petition has no merits and hence, it is dismissed.

(M. W. CHANDWANI, J.)