

(2013) 03 BOM CK 0212
In the Bombay High Court
Case No : Writ Petition No. 19 of 2013

M/s. Paradise Ventures

APPELLANT

Vs

Smt. Anandi K. Aras and Others

RESPONDENT

Date of Decision : 14-03-2013

Acts Referred:

Citation : (2013) 5 ALLMR 213

Hon'ble Judges : F.M. Reis, J

Bench : Single Bench

Advocate : A.D. Bhobe, for the Appellant; Sudin Usgaonkar, for the Respondent

Judgement

F.M. Reis, J.—Heard Shri A.D. Bhobe, learned counsel appearing for the petitioners and Shri Sudin Usgaonkar, learned counsel appearing for the respondents. Rule. Heard forthwith with the consent of the learned counsel.

2. The learned counsel appearing for the respondents waives service.

3. The above petition challenges an order dated 05.07.2012 passed by the learned Administrative Tribunal whereby an order passed by the Rent Controller on an application filed by the petitioners to bring the legal heirs of the deceased respondent on record came to be quashed and set aside. During the course of the hearing of the above petition, Shri Bhobe, learned counsel appearing for the petitioners has pointed out that the application filed by the petitioners before the Rent Controller was to bring the legal heirs of the deceased respondent on record and in the alternative to permit the petitioners to withdraw the proceedings with liberty to file fresh proceedings. The learned counsel further pointed out that the learned Tribunal whilst passing the impugned order has not considered the second aspect of the alternative relief sought by the petitioners. In view of the above, both the learned counsels have agreed to dispose of the above Writ Petition by consent on the following terms.

ORDER

- (i) The impugned orders dated 05.08.2011 and 05.07.2012 passed by the Rent Controller and the learned Administrative Tribunal are quashed and set aside.
- (ii) The application filed by the petitioners to the extent it seeks leave to withdraw the proceedings before the Rent Controller with liberty to file a fresh proceedings is allowed.
- (iii) The respondents shall not raise any objections to the maintainability and/or to limitation, if any, to any such fresh proceedings that may be initiated by the petitioners herein.
- (iv) In case any such proceedings are filed by the petitioners, the authorities shall decide such application on its own merits in accordance with law.
- (v) Rule is made absolute in above terms.
- (vi) The petition stands disposed of accordingly.