

Kasturabai Subhash Walke

.... Applicant

VS.

Hari Bhagwan Karande & otrs.,

.... Respondent/s

Order below revision application No.SH/VIII/3/2017

(As per rule 13(4) made under the Act)

Read the judgment & orders of both the tribunals below. Heard Adv.Smt.Sangita Bhalerao. After perusing the judgment & order passed by both the tribunals below, it appears on record that the tenancy proceedings in between landlord and tenant u/s 32G of the Act, in file No.32G/14 decided on 26/10/1969 which has reached to its finality. Unfortunately, neither the tenant has paid the amount of price in reasonable time nor the tribunal has taken effective steps for the recovery of the price fixed against the tenant. Ultimately when the matter was pending before the Ld.appellate tribunal, the tenant has deposited the amount on 7/1/2009. Adv.Smt.Bhalerao strongly submitted that the order dt.26/10/1969 in respect of payment of price carried on in the year 2009 after the lapse of unreasonable period and that too without notice to the landlord. On this point I would like to make it clear that once the order u/s 32G of the Act, has reached to its finality, it is the duty against on the tribunal to recover the price fixed, for which corrosive steps as like the recovery of the land revenue can be adopted by the tribunal, for which separate enquiry by following rules of natural justice is not contemplated. In short, herein this case the order u/s 32G of the Act, which has reached to its finality and amount of price which has been recovered through challan dt.1/7/2009, nothing has remained in favour of the landlord so as to contest the claim. Therefore, I do not find strong substance in the submissions made by the advocate for the applicant, so as to admit the revision either on facts or law point involved in the matter. Suffice to say that this is the fit case where the Tribunal shall reject the Petition at the stage of admission by invoking the powers u/r 13(4) made under the Act. With these observations, I proceed to pass the following order.

ORDER

The revision application moved by the applicant stands dismissed at the stage of admission as per rule 13(4) made under the Act.

The judgment & order passed by the Ld.appellate tribunal is hereby confirmed.

