

SUPREME COURT OF INDIA

Suhas Ramchandra Apte

Vs.

Vasantrao Shankarrao Bhosle

C.A.No.2120 of 2004

(Kurian Joseph and R.Banumathi,JJ.,)

09.08.2017

JUDGMENT

Kurian Joseph,J.,

1. According to the learned counsel for the appellant, Section 11(3) of the Bombay Rent Act, 1947, as applicable to the State of Gujarat, has been followed in the instant case whereas Section 11(3) that is applicable in Mumbai is different. If that be so, it is an error apparent on the face of the Court which the High Court should correct at the first instance.
2. Accordingly, we dispose of this appeal with liberty to the appellant to file an application for review before the High Court within 30 days from today. If the appellant is able to satisfy the High Court that the High Court has followed a provision which is not applicable to the State of Maharashtra, to say, appropriate orders for recalling the Judgment and passing a fresh Judgment in the light of the applicable provisions will be rendered.
3. Being a litigation which started in the year 1977, we request the High Court to dispose of the review application, if filed, expeditiously and preferably within three months from the date of production of a copy of this judgment.
4. We make it clear that in the nature of the order we have passed above, we have not considered the matter on merits.
5. No costs.