

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

C.A.W. NOS.1085/2015 & 1086/2015

IN

WRIT PETITION NO.790/2009

M/s Govind Jewellers, Sarafa Oli, Itwari, Nagpur

..Versus..

Chandrakant s/o Krishnarao Witonde and others

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

Court's or Judge's orders

Shri S.P. Bhandarkar, Advocate for the petitioner.
Shri P.V. Vaidya, Advocate for respondents 1 to 3.

CORAM : Z.A. HAQ, J.

DATE : 10.6.2015

Accepting the reasons stated in the application praying for condonation of delay and there being no objection in the matter on behalf of the respondents as reply is not filed, the delay in filing the application for bringing the legal representatives on record is condoned. The applicants are permitted to come on the record as the petitioners. The civil applications are allowed accordingly.

C.A.W. NO.3287/2010.

This application is filed by the respondent/landlord contending that the petitioner is required to pay Rs.50,000/- per month towards the occupation charges and directions be given to the petitioner accordingly or in the alternative the petition be dismissed.

The docket shows that the civil application was filed on 18th November, 2010, however, it was not pursued and it was pending until the matter was taken up for final hearing sometime in 2013 or 2014. It is undisputed that the agreed rent was Rs.100/- per month. Shri Bhandarkar, the learned advocate for the petitioner submits that the petitioner is regularly paying the amount of agreed rent, however, this fact is disputed by Shri Vaidya, the learned advocate for the respondent/landlord. Be that as it may, if the petitioner is not paying the amount regularly, the respondent may file appropriate application, however, the present application cannot be considered in the facts stated above. The civil application is dismissed. No costs.

JUDGE

Tambaskar.