

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 2808 OF 2016  
IN  
WRIT PETITION NO. 5471 OF 2013**

Abdul Khalik Zakeriya (Since Deceased)  
Through L.Rs.

..APPLICANTS

VERSUS

Abdul Rashid Abdul Majid and Others

..RESPONDENTS

....

Mr. A.R. Syed, Advocate holding for Mr. S.P. Brahme, Advocate for applicants.

Mrs. Seema Pawar, Advocate holding for Mr. A.G. Talhar, Advocate for Respondent Nos.1 and 2.

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**CORAM : RAVINDRA V. GHUGE, J.  
DATED : 11<sup>th</sup> MARCH, 2016**

**ORDER :**

1. The learned Counsel for the applicants who are Respondent Nos.1, 2 and 5 in the writ petition, seeks permission to deposit the rent in this Court for the period 01.04.2016 till 31.03.2021. It is stated that the rent up to the period 31.03.2016 has been deposited in the Trial Court.

2. The learned Counsel submits that since the record and proceedings in R.C.S. No. 242/1994 with R.C.A. No. 196/2004 have been called for and the said record and proceedings are before this Court, the applicant is not in a position to deposit the rent before the trial Court.

3. The learned Counsel for the non-applicant opposes the said application. His contention is that permission to deposit rent is likely to affect the rights of the non-applicant in the pending proceedings.

4. Considering the above and for the reasons stated in the application, same is allowed in terms of prayer clause (e) thereby granting permission to the applicants to deposit the said rent in this Court.

5. Needless to state, this order allowing the application and permission being granted to the applicants to deposit the rent shall not prejudice the rights of the litigating sides in the pending

proceedings and shall not create any equities in favour of the parties. The applicant makes a statement that the said amount shall be deposited in this Court on or before 31.03.2016. Permission to deposit on or before 31.03.2016 is granted.

**(RAVINDRA V. GHUGE, J.)**