

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

WRIT PETITION NO. 2610 OF 2016

(Anand Vishwanath Tiwari Vs. Smt. Bayabai wd/o Umrao Pitale & 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. A. Deole, Advocate for the petitioner.

CORAM : S. B. SHUKRE, J.
DATED : 05 MAY, 2016

Heard.

By this petition, order dated 24/02/2016 passed by the Civil Judge, Jr. Dn., Mouda has been challenged. It is averred that the rent agreement, in respect of which secondary evidence was sought to be adduced incorporating assurance of the landlord that whenever he decides to sell the suit property, he would give preference to the petitioner. It is the contention of the learned Counsel for the petitioner that although in the application filed in the suit vide Exh.63, the relevancy of the rent agreement has not been justified in so many words, this justification could be found in para-3 of the pleadings of the plaint. Upon perusal of para-3, I find that the plea regarding incorporation of the said assurance has been made, but it has been made by referring to rent agreement made recently in November, 2004. The pleadings in the plaint nowhere show that the said assurance has been incorporated in the rent agreement of the years 1992, 1993, 2002 and 2003. Therefore, I see neither any illegality nor arbitrariness in the impugned order.

Writ petition stands dismissed summarily.