

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

Civil Application (W) No. 2046/2017 in Writ Petition No. 6167/2016

(Ranchoddas s/o Shankarlal Bhivsariya (Agrawal)
V/s
Vishwanath s/o Ramvilas Agrawal)

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

Court's or Judge's orders.

Shri J.J. Chandurkar, Advocate for Petitioner.
Shri Pravin Sheshrao Patil, Advocate for Respondent

CORAM : R.K. DESHPANDE, J .

DATE : 08/09/2017

This application seeks modification of order dated 20/10/2016 passed by this Court in Writ Petition No. 6167/2016. This Court has granted interim relief in terms of prayer clause (2), which clause reads thus:-

“2. Pending disposal of the present petition stay the effect, operation and execution of the Judgment and decree passed by the courts below at **Annexure 8** in Small Cause Suit No.3/2009 on 15.02.2011 and in Regular Civil Appeal No.67/2011 on 12.07.2016 at **Annexure 10.**”

The petition raises dispute between landlord and tenant and decree which has been passed for eviction, is subject matter of Writ Petition. There is already an order of the appellate court directing the trial Court to hold an inquiry into the mesne profits under Order 20 Rule 12 of C.P.C.

In view of the fact that rule has been issued in the matter and possession of the petitioner is protected, prayer contained in the present application can be granted. It is directed that the trial Court shall proceed with an enquiry into mesne profits as contemplated under Order 20, Rule 12 of the Code of Civil Procedure. However, it is clarified that result of such enquiry shall be subject to the final outcome of this writ petition and the possession of the petitioner shall continue under the protection from this Court. With this modification and direction, Civil Application stands disposed of.

Civil Application No. 2009/2017.

Heard for some time. This is an application filed by the petitioner-tenant for direction to the

respondent-landlord to restore electricity supply to the shop occupied by him.

Learned counsel for the respondent, on instructions, states that the respondent has no objection if the petitioner obtains separate electricity connection in his name so that there would be no dispute between the parties over payment of electricity consumption charges.

In view of the statement made on behalf of the respondent, the petitioner-tenant is at liberty to approach the concerned Authority for separate electricity connection to the shop in question for which purpose the landlord has given his no objection, as recorded above. It is made clear that the concerned authority shall not insist upon the petitioner to obtain separate no objection from the landlord while granting him new electricity connection at the cost of tenant.

Civil Application stands disposed of.

JUDGE