

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

M.C.A. NO.1351/2018
IN
WRIT PETITION NO.2880/2018 (D)

Sunil S/o Nandlal Puniyani

..Vs..

Hon'ble District Judge, Nagpur and another

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

Court's or Judge's orders

Shri M.M. Sawang, Advocate for the applicant.
Ms. M.A. Barabde, A.G.P. for respondent No.1.

CORAM : Z.A. HAQ, J.

DATE : 20.12.2018.

Accepting the explanation given in the application and as the learned Advocate for the petitioner has shown readiness to argue the writ petition on merits today, the order passed on 27th November, 2018 dismissing the writ petition in absence of the petitioner and his Advocate is recalled. The civil application is **allowed** accordingly. No costs.

WRIT PETITION NO.2880/2018 (D)

Taken up for admission.

The judgment debtor / tenant has challenged the order passed by the learned District Judge by which condition of depositing Rs.10,000/- per month is imposed while granting stay to the execution of decree for eviction. The contention on behalf of the petitioner is

that as per the agreement, the rent is Rs.720/- per month and the tenant had been regular in paying the rent, and the learned District Judge has determined the occupation charges 15 times the amount of rent, arbitrarily.

After going through the impugned order, I find that the learned District Judge has considered the relevant aspects in paragraph Nos.5 and 6 of the impugned order. Though the occupation charges are determined at about 15 times the amount of rent, considering that the suit premises are used for commercial purposes, it cannot be said that the learned District Judge has committed any error by imposing condition of depositing Rs.10,000/- per month while granting stay to the execution of the decree. There is neither any illegality nor any error of jurisdiction which necessitates interference by this Court in the extraordinary jurisdiction. The writ petition is **dismissed**. No costs.

JUDGE