

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

WRIT PETITION NO.3597 OF 2003

JAMILABEGUM W/O. NAZIR ALI  
VERSUS  
SYED KAIMODDIN SYED BISMILLAH SHAHA

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Advocate for Petitioner : Mr. V R Sonwalkar

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CORAM : V.K. JADHAV, J.

Dated: January 21, 2020

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**PER COURT :-**

1. Heard the learned counsel for the petitioner.

None present for the respondent.

2. Petitioner is the original defendant/tenant. Respondent/plaintiff has instituted the suit bearing Regular Civil Suit No.111 of 2001 for recovery of rent amount. Pending the suit, respondent/plaintiff had filed an application Exh.19 under order 15(a) of the Civil Procedure Code. It has contended in the application that the petitioner/defendant has admitted that she had obtained the suit premises on rent of Rs.500/- p.m. and she is in arrears of rent since August 1998. In terms of the provisions of the Order 15 (a) of the Civil Procedure

aaa/-

Code, the petitioner/defendant has to deposit admitted rent in the Court. The petitioner-defendant has resisted the said application on the ground that the petitioner/defendant has paid an amount of Rs.25,000/- to the respondent/plaintiff and the application Exh.19 is false one and liable to be rejected. The learned 2<sup>nd</sup> Jt. Civil Judge J.D. Ambajogai by order dated 3.12.2002 below exh.19 in Regular Civil Suit No.111 of 2001 allowed the application and thereby directed the petitioner/defendant to deposit an amount of Rs.24,000/- towards rent for the period August 1998 till July 2002 and Rs.500/- per month for the subsequent period.

3. This Court while granting Rule by order dated 19.4.2004 stayed the impugned order on the condition that the petitioner to deposit Rs.24,000/- in the Court of Civil Judge, J.D. Ambajogai before 7.6.2004 and the trial court shall not allow the respondent/plaintiff to withdraw the said amount.

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4. This writ petition is pending since the year 2003. It is not clear as to whether said suit bearing R.C.S.No.111 of 2001 is still pending before the Trial Court. This Court while granting Rule has not stayed the further proceedings in the suit. Thus, if the suit is still pending before the Trial Court and the said amount of Rs.24,000/- is deposited by the petitioner-defendant as directed by this Court, the Trial Court shall proceed with the suit and dispose off it as expeditiously as possible and also pass appropriate orders about the amount so deposited before the Trial Court. Writ Petition is accordingly disposed off. Rule discharged.

**( V.K. JADHAV, J. )**

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