

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

WRIT PETITION NO.5683/2017

The Corporation of the Sisters of Holy Cross Amravati a Company incorporated
under the Provisions of Companies Act, through its authorised Attorney Sister

Nirmala Quadres

...Versus...

Quadir Arif Khan

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

Court's or Judge's orders

Shri J.A. Anthony, Counsel for petitioner
Shri J.J. Chandurkar, Counsel for respondent

CORAM : AVINASH G. GHAROTE, J.

DATE : 27/02/2020

1. In a suit for eviction filed on 16/9/1993, the written statement was filed on 18/8/1994. The suit remained pending for one reason or the other. Even the affidavit in lieu of evidence has not been filed. On 14/7/2016, an application for amendment of the written statement came to be filed by the defendant elaborating the plea regarding the lease already raised in the written statement. The learned trial Court by the order dated 10/7/2017, allowed the application.

2. It is trite that the suit is for ejectment and possession and the learned Civil Judge, Junior Division,

Amravati, while entertaining the same exercised his powers under Section 26 of the Provincial Small Cause Courts Act. Section 26-A of the Provincial Small Cause Courts Act provides for an appeal against any order passed in the eviction proceedings to the District Judge. In the instant case, admittedly, no appeal under Section 26-A has been filed, in light of which, the present writ petition is clearly not tenable in law. The same is accordingly dismissed. No order as to costs.

JUDGE

Wadkar, P.S.