

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

921 WRIT PETITION NO.3720 OF 2022

**VIJAY RANGNATH KORADE
VERSUS
BABASAHEB BANDU NIKAM AND ANOTHER**

...
Advocate for Petitioner : Mr.Kasar Rajendra Sudam

...

CORAM : NITIN. B. SURYAWANSHI, J.

DATE : 30th MARCH, 2022.

PER COURT :

1. The petitioner is aggrieved by the order passed by the learned Civil Judge, Junior Division, Rahuri, below Exh. 13 in R.C.S. No. 309 of 2021, thereby allowing the application of the respondent-original defendant for water connection and electricity connection.

2. After hearing the petitioner-original plaintiff, the trial Court has partly allowed the said application, thereby permitting respondent-defendant for getting electricity connection at his own expense and directing the petitioner-plaintiff to give no objection for that. The respondent-defendant is also granted permission to obtain the water connection by applying to the Municipal Council and for that also the petitioner is directed to give no objection.

3. Learned Advocate for the petitioner vehemently assailed the impugned order contending that the respondent is in arrears of

rent and in spite of undertaking given by him to the trial Court he has not deposited the arrears of rent. In that view of the matter, the trial Court ought to have rejected the said application.

4. Admittedly, the dispute between the petitioner/tenant and the respondent/landlord is pending for consideration of the trial Court, but that does not mean that the respondent tenant should be deprived of the electricity and the water connection, on the ground of non payment of the arrears of rent. The order is passed by the trial Court without prejudice to the rights and contentions of the petitioner-original plaintiff. In that view of the matter, there is no error of law or jurisdiction committed by trial Court in passing the order impugned in the present petition. No case is made out for exercising the extraordinary jurisdiction. The Writ Petition being devoid of merits, is dismissed.

(NITIN B. SURYAWANSHI)
JUDGE