

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

CIVIL APPLICATION (CAW) NO.1849 OF 2022
IN
WRIT PETITION NO.4916 OF 2022 (D)

Ramchandra Health Care (L.L.P) Through its Authorized designated partner and
Chief Managing Director Narendra Ramchandra Borker

Vs.

Pawan Prabhakar Pundkar

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

Court's or Judge's orders

Mr. Mohan Sudame, Advocate for petitioner.

CORAM : AVINASH G. GHAROTE, J.
DATE : 08/09/2022

Civil Application No.1849 of 2022 seeks clarification of the order dated 18.8.2022, whereby the Writ Petition No.4916 of 2022 challenging the order below Exh.86 dated 12.4.2022 passed by the learned trial Court has been rejected. It is pointed out, that in the impugned order itself learned trial Court has observed that the dispossession of the petitioner/plaintiff of the suit property would be the subject matter of a fresh suit. It is being pointed out, that since the application for amendment was prior in point of time to the dispossession, the said application would not contain any averment regarding the dispossession, and therefore since the dispossession gives a separate cause of action the plaintiff/petitioner would have the right to file a fresh suit. It is trite to state that, in case, the

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dispossession of the plaintiff/petitioner gives him a separate cause of action, that is a cause which would enable him to file a fresh suit on the new cause of action, whether any liberty is granted in the application under Exh.86 or refused, considering which, the application is disposed of.

JUDGE

Sarkate