

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

WRIT PETITION NO. 186 OF 2022

Sharad s/o Ramkrushna Meshram

Vs.

Smt. Chandrakala wd/o Ashok Giripuje

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

Court's or Judge's Orders.

Mr. A.B. Moon, Advocate for petitioner.

CORAM : MANISH PITALE J.

DATE : 18.07.2022.

By this petition, the petitioner has challenged order dated 17.08.2021, passed by the Civil Judge Senior Division, Lakhani, whereby an application filed by the respondent i.e. the original plaintiff seeking directions against the petitioner for depositing arrears of rent in Court has been allowed.

2. The learned counsel for the petitioner submitted that there are two suits pending between the parties. While the respondent is seeking eviction of the petitioner, a suit has been filed by the petitioner seeking injunction against the respondent.

3. In these circumstances, the Court below took into consideration specific stand taken in the

written statement filed by the petitioner in the suit filed by the respondent. In the said written statement in the special pleadings, the petitioner himself stated that he was regularly paying rent to the respondent, further stating specific rates during specific periods of time when such monthly rent was being paid. It is in these circumstances, that the Court below in the impugned order found that the application filed by the respondent deserved to be granted.

4. This Court is in agreement with the approach adopted by the Court below as no error is attributable to the Court. Nonetheless, the petitioner submits that the said direction may prejudice the contentions sought to be raised on his behalf in the pending suit.

5. Therefore, the writ petition is dismissed with a clarification that the impugned order shall be in operation without prejudice to the rights and contentions of the rival parties in the pending R.C.S. No. 46 of 2015.

JUDGE