

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

WRIT PETITION NO. 13510 OF 2023

**DATTA ANANDRAO SAWANT
VERSUS
MADANLAL UTTAMCHAND DESARDA AND ANOTHER**

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Advocate for Petitioner : Mr. Deshpande A. S.

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CORAM : SHAILESH P. BRAHME, J.

DATE : 30 OCTOBER 2023

PER COURT :

. Heard. This petition can be disposed of without issuing notice to the respondents because relief claimed by the petitioner is enormous.

2. The petitioner is a tenant who is facing the proceeding of the eviction initiated by the respondents in Rent Suit No.25/2013. The petitioner contested the suit by filing written statement cum counter claim. Due to the subsequent events, the respondents sought permission to withdraw the suit by order dated 02.08.2021. The suit was disposed of as withdrawn, however counter claim of the petitioner continued.

3. In the counter claim, the petitioner submitted three applications namely (i) amendment to pleading; (ii) direction to deposit compensatory expenses and (iii) for perpetual injunction. The applications are preferred before passing order on 02.08.2021. The

applications remained unattended till date. The grievance of the petitioner is that the learned trial Court is not deciding the applications. The petitioner prays that the applications referred above need to be decided as early as possible.

4. I do not find any reason to deny the relief claimed by the petitioner. The applications need to be decided on their own merits. The writ petition is disposed of by directing the learned 7th Joint Civil Judge, Junior Division, Aurangabad to decide the applications referred above prior in time than counter claim in Rent Suit no.25/2013. The applications shall be decided within a period of four weeks from today and an endeavour shall be made to decide the counterclaim as early as possible thereafter.

[SHAILESH P BRAHME, J.]

Najeeb.