



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

WRIT PETITION NO.7056 OF 2022

Ramesh Hanumant Uplanchiwar & Ors. .Vs. Smt. Lilabai Vasantrao Nikhate & Ors.

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

Court's or Judge's Order

Shri A.A. Dhawas, Advocate for petitioners.

Shri I.S. Charlewar, Advocate for respondents.

CORAM : ANIL S. KILOR, J.

DATED : 30/08/2023

1. Heard.

2. The plaintiff in a suit filed for eviction against the petitioner under Section 16(C) of the Maharashtra Rent Control Act, 1999 filed application for directing the defendant to deposit a balance rent amount in the Court. The said application came to be rejected.

3. The plaintiff thereafter moved an application for review on the ground that, while rejecting the application certain documents were not noticed by the Court and on finding substance in the submission of the plaintiff, the order was reviewed and the application was allowed and thereby, directed the petitioner to deposit amount of Rs.1,05,800/- towards arrears of rent till February, 2021 and further directed to deposit Rs.2,300/- rent towards each month.

4. The said order dated 17.06.2022 passed below Exh.61 allowing the review application and directing the petitioner to deposit arrears of rent, is under challenge in this writ petition.

5. The statement which was not noticed by the learned trial Court while rejecting the application is of one Rakesh Ramesh Uplanchiwar, given to the Police admitting the tenancy and payment of Rs.2,300/- as rent.

6. However, the petitioner submits that, there is a dispute of tenancy and the petitioner is denying the fact of tenancy.

7. Even if the case of the petitioner is accepted, no prejudice will be caused to the petitioner, if the order is complied with and the amount directed to be deposited, is deposited in the trial Court subject to result of the suit.

8. In the circumstances, the writ petition is **dismissed**.

9. It is made clear that, the plaintiff shall not be permitted to withdraw the said amount till the decision of the suit.

JUDGE