



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

WRIT PETITION NO. 2471/2024

Naresh Bhagandas Khunghar Vs. Kailashbhai Gupta and others

WITH

WRIT PETITION NO. 2393/2024

Naresh Bhagandas Khunghar Vs. Kailashbhai Gupta and others

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S.T. Madnani and Mr. P.R. Chakole, Advocate for petitioner
Mr. S.S.Sitani, Advocate for Respondents

CORAM: N.R. BORKAR, J.

DATED : 9th JULY, 2024

WRIT PETITION NO. 2471/2024

This petition takes exception to the orders dated 18.03.2024 and 22.03.2024 passed by the Small Causes Court, Nagpur below Exh.1 and Exh.81 respectively in Regular Civil Suit No. 36/2017.

2. The petitioner herein is the defendant in the above mentioned suit filed by the respondents herein for eviction and possession of the premises. By the order impugned dated 22.03.2024 the trial Court has rejected the application filed by the petitioner for recall of the order dated 18.03.2024, by which the trial Court closed the evidence of the

petitioner. I have perused the impugned orders. It appears that even on prior occasion also i.e. on 15.07.2022, the evidence of the petitioner was closed and the said order was recalled subject to costs of Rs.6000/-

3. Considering the facts and circumstances of the present case, I am not inclined to interfere with the impugned orders. The petition is dismissed. No costs.

WRIT PETITION NO. 2393/2024

This petition takes exception to the order dated 26.03.2024 passed by the Small Causes Court, Nagpur below Exh.83 in Regular Civil Suit No. 36/2017. The petitioner herein is the defendant in the above-mentioned suit filed by the respondents herein for eviction and possession of the suit property. By the order impugned the trial Court has rejected the application filed by the petitioner seeking permission to repair the suit premises.

2. I have perused the impugned order. The suit is at the stage of final arguments. Considering the overall facts and circumstances, I am not inclined to interfere with the impugned order. The petition is dismissed. No costs.

3. It would be, however, open to the petitioner to file separate proceedings for the relief sought in the application at Exh.83.

(N.R. BORKAR, J.)

MP Deshpande