

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9482 OF 2025

Abdul Wahid Abdul Razzaque ..Petitioner

Versus

Abdul Karim S/o Late Abdul Rahim and Anr ...Respondents

Mr. Vimlesh Singh, for the Petitioner.

CORAM: N. J. JAMADAR, J.

DATED : 7th AUGUST 2025

P.C.:

- 1.** Heard the learned Counsel for the Petitioner.
- 2.** The challenge in this Petition is to an order dated 7th May 2025 passed by the learned Judge, Court of Small Causes, Mumbai, whereby an Application preferred by the Plaintiff-Respondent No.1 seeking permission to deposit arrears of rent came to be allowed, thereby permitting the Plaintiff to deposit arrears of rent @ Rs. 250/- along with 15% interest from 1st August 2013 till May 2025, and, thereafter, continue to deposit future rent at the said rate till the final disposal of the Suit, without prejudice to the rights of the parties.
- 3.** The landlady-Defendant No.1 had filed Reply to the said Application, contesting the claim of the Plaintiff that he is the tenant in respect of the Suit premises. The Petitioner-Defendant No.2 claims to be

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the tenant of the Suit premises and has, thus, preferred this Petition, assailing the said order.

4. It seems that, the fact that the Plaintiff was being permitted to deposit the rent, along with interest, without prejudice to the rights and contentions of the parties, weighed with the learned Judge, Court of Small Causes.

5. The learned Counsel for the Petitioner submitted that the impugned order is bereft of reasons. The learned Judge could not have permitted the Plaintiff to deposit the rent after over ten years of the institution of the Suit, when the juridical character of the Plaintiff as a tenant in respect of the Suit property is yet to be adjudicated.

6. The impugned order is passed without prejudice to the rights and contention of the parties. The impugned order does not imply that the Court has given its imprimatur to the Plaintiff's claim of tenancy. The mere deposit of rent by the Plaintiff would not advance the Plaintiff's case.

7. Thus, the Petition stands disposed with a further clarification that the Plaintiff shall not be entitled to claim any equity on the ground of the deposit of rent pursuant to the impugned order.

[N. J. JAMADAR, J.]