



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

CIVIL APPLICATION (W) NO. 1891 OF 2025
IN
WRIT PETITION NO. 3875 OF 2022 (D)

(Smt. Meena wd/o Rajkumar Jaiswal vs. Tikaram s/o Hemraj Lanjewar (deceased) through LRs.
and others)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. P.A.Abhyankar, Advocate for applicant.
Mr. R.G.Puranik, Advocate for respondent.

CORAM : ROHIT W. JOSHI, J.
DECEMBER 16, 2025

- 1) Office note indicates that petition stands dismissed on account of failure on the part of the petitioner to remove office objections. Vide order dated 13/07/2022 interim stay was granted to the execution of judgment and decree dated 16/08/2012 passed by the learned Additional Judge, Small Causes Court, Nagpur in R.C.S. No.390/2006 and judgment and decree dated 29/07/2021 passed by the learned District Judge-1, Nagpur in R.C.A.No.1036/2012, subject to the condition of depositing the amount of Rs.10,000/- per month by the petitioner towards occupation charges.
- 2) This is an application filed by respondent Nos.1 and 3 seeking withdrawal of the amount deposited by the petitioner in compliance of the aforesaid interim order dated 13/07/2022. This Court has not determined the mesne profits payable by the petitioner/tenant to the respondent/landlord. The amount ordered to be deposited by Appellate Court as a condition for

grant of stay to decree for eviction is only for the purpose of balancing equities. It does not adjudicate claim of mesne profits.

- 3) The respondent landlord will have to file appropriate proceeding for quantification of mesne profits. The application for withdrawal of amount deposited by the petitioner tenant cannot be allowed unless amount of mesne profits is determined by a competent Court. Accordingly, the Civil Application is rejected.

(ROHIT W. JOSHI, J.)