



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

Writ Petition No.3038 of 2024
Salim s/o Sadruddin Charniya Vs. Harish s/o Sitaram Raghatate

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Madhur Deo, Advocate for petitioner.
Mr D..L.Dharmadhikari, for respondent/State.

CORAM : SIDDHESHWAR S. THOMBRE, J.
DATE : 14/10/2025.

1. Heard.

2. The petitioner has assailed the judgment and order dated 25.4.2024 passed by the learned District Judge-1, Chandrapur in Misc. Civil Appeal No.75/2023 and the order dated 13.10.2023 passed by the learned Civil Judge, Junior Division, Chandrapur in Regular Civil Suit No.176/2023 whereby an application Exhibit 5 came to be rejected.

3. He submits that the notices were issued by the Municipal Council on the ground that the structure being occupied by the petitioner as tenant is in dilapidated condition and therefore, he approached the Court and filed a suit for perpetual injunction wherein an application for temporary injunction below Exhibit-5 was rejected, which was upheld by the Appellate Court also in Misc. Civil Appeal. He further submitted that both the Courts below ought to have protected the interest of the petitioner, in view of the fact that the petitioner has occupied the premises as tenant.

4. Per contra, learned counsel for the respondent would submit that subsequently during the pendency of the suit filed by the petitioner-the landlord initiated the proceedings under

Section 16 of the Maharashtra Rent Control Act and Regular Civil Suit No.286/023 for eviction is pending.

5. Without going into merits of the order passed by both Trial Court as well as the Appellate Court, once it is brought to my notice that the landlord has already initiated proceedings for eviction under the Rent control Act, the petitioner can seek appropriate relief in Regular Civil Suit No.286/2023 and the Court may consider the same without being influenced by the order passed by the Trial Court as well as Appellate Court.

6. The petition stands disposed of.

(Siddheshwar S. Thombre, J)