



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

Writ Petition No. 4406/2024  
Vinayak B.Buty (HUF) Vs. Arunkumar B.Savadia

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

Court's or Judge's orders.

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Mr. S.S.Shahane, Advocate for the petitioner.  
Mr. Piyush Shukla, Advocate for respondent.

**CORAM : SIDDHESHWAR S. THOMBRE, J.**  
**DATE : 08/10/2025.**

1. I have heard the learned counsel for the respective parties.
2. The petitioner challenges the order dated 24.1.2024 passed by 2<sup>nd</sup> Additional Small Causes Court, Nagpur below Exhibit-47 in Regular Civil Suit No.75/2016, whereby the application filed by the petitioner under Order XV-A read with Section 151 of the Code of Civil Procedure came to be rejected.
3. Mr. Shahane, learned counsel for the petitioner, submitted that the trial Court has not recorded any finding and an unreasoned order was passed. He further submitted that in the application, the petitioner has specifically mentioned that how much amount he is entitled to receive and a vague order was passed. On that count, he submitted that the order is liable to be set aside and matter is remitted back to the concerned court for deciding afresh.
4. Per contra, Mr.Shukla, learned counsel for the respondent submitted that the application filed by the petitioner itself is not maintainable and he incorporated the mesne profits from 2013 which does not come under Order XV-A of the CPC.
5. I have gone through the order passed by the learned

Trial Court as well as Order XV--A of the CPC which clearly reveals that in application the petitioner had not stated about arrears of rent and therefore, on that count itself, I am not inclined to entertain the present writ petition. No fault is found in the impugned order passed by the the 2<sup>nd</sup> Additional Small Causes Court, Nagpur.

6. Learned counsel for the petitioner seeks liberty to file a fresh application before the learned trial Court. It is, however, made clear that if the petitioner files fresh application, the same shall be considered on its merits, independently of the observations made by this Court in the present order.

7. All points are kept open.

8. The writ petition stands disposed of with liberty as sought for.

**(Siddheshwar S. Thombre, J)**