



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

CIVIL APPLICATION (W) NO.1441 OF 2025
IN
WRIT PETITION NO.328 OF 2025

(Shri Kishanchand Mulchand Gyanchandani, thr. its legal heir, Amar s/o
Krishnachand Gyanchandani Vs. Smt. Chandradevi @ Chandadevi Jagannathprasad
Gupta and others)

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

Court's or Judge's orders.

Mr. M. Anil Kumar, Advocate for Petitioner.
Mr. D. N. Mehta, Advocate for Respondent Nos.1 to 5.

CORAM: PRAFULLA S. KHUBALKAR, J.
DATE: 1st AUGUST, 2025.

1. This is an application for amendment of the writ petition. Advocate Mr. Kumar, learned counsel for petitioner submits that the petitioner wants to amend the writ petition by incorporating certain paragraphs to demonstrate that the petitioner tenant has deposited certain amounts towards arrears of rent from time to time which are the factual aspects and need to be incorporated in the memorandum of the petition. By way of amendment, he also seeks to add prayer clauses ii and ii(a), by which challenge is sought to be raised to the interim order dated 21.12.2024 passed by the Appellate Court.

2. Advocate Mr. Mehta does not seriously oppose the application since the contentions in the proposed amendment are with respect to payments of arrears of rent. Since the petition is not yet admitted and by reserving his rights to make submissions on the proposed amendment he submits that appropriate orders may be passed.

3. Having regard to the contents of the civil application and in view of the fact that the petition is yet to be admitted, the petitioner is permitted to amend the petition, the application is allowed. Necessary amendment be carried out within a period one week from today.

WRIT PETITION NO.328 OF 2025:

1. Heard Advocate Mr. Kumar, learned counsel for petitioner extensively. He vehemently submits that the order dated 21.12.2024 passed by the Appellate Court allowing the application for injunction at Exhibit-5 is unsustainable since there is a direction to deposit the arrears of rent amount in a proceedings of eviction which are based only on the ground of *bona fide* need. He submits that in the execution proceedings filed by the respondent landlord warrant of possession is already issued and therefore, prays

for stay to the order dated 21.12.2024.

2. Advocate Mr. Mehta strongly opposes the request for stay to this order and submits that the conditions mentioned in operative portion of the order are by way of conditions to grant stay and the same are incorporated in accordance with the settled position of law as mentioned in the impugned order.

3. Having regard to the submissions advanced, for the time being, the petitioner is directed to comply with the conditions mentioned in the order dated 21.12.2024 passed by the Appellate Court and pay all the arrears of rent, within a period of fifteen days from by paying an amount of Rs.10 lakhs in one week from today today i.e. on or before 08.08.2025 and balance amount in three weeks thereafter. In this regard counsel for the petitioner submits that the petitioner has earlier paid substantial amount which needs to be adjusted and therefore, the counsel for the petitioner is directed to place on record chart showing the calculations of arrears of rent with advance copy to the counsel for the respondent. Subject to the above compliance of deposit of arrears of rent as per the order dated 21.12.2024 further

proceedings in Small Cause Darkhast No.84/2024 are stayed till next date.

4. Stand over to 22.08.2025.

(PRAFULLA S. KHUBALKAR, J.)

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