



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

WRIT PETITION NO.01 OF 2026

Jagdishprasad Dubey (since deceased) through legal heir Rajesh s/o
Jagadishprasad Dubey (Badgayya)

Vs.

Gopalkrishna Deosthan Public Trust, Nagpur and others

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

Court's or Judge's orders.

Shri Sanjay Karmarkar, Advocate for petitioner.

CORAM : M.W. CHANDWANI, J.

DATE : 05.01.2026.

1. Heard.

2. The present petition challenges the judgment and decree dated 14.08.2023 passed by the Judge, Small Causes Court, Nagpur in Regular Civil Suit No.349/2014 and confirmed by the Adhoc District Judge-9 dated 12.03.2025 in Regular Civil Appeal No.252/2023, mainly on the ground that the Small Causes Court has no jurisdiction to pass the impugned order, since the property comes in the area which is declared a slum under the Slum Areas (Improvement and Clearance) Act, 1956.

3. Another contention of the petitioner is that there is no landlord – tenant relationship between the petitioner and the respondents.

4. Having heard the learned counsel for the petitioner and having gone through the impugned order, it transpires

that though pleaded in the written statement, nothing has been brought on record to show that the suit property comes under the area which is declared as a slum and no witness has been examined by the petitioner for the same. Further, the learned trial Court has recorded finding of facts based on the admission of the petitioner in his written statement that he is a gratuitous licensee.

5. Needless to mention that the Supreme Court in the case of *Prabhudas Damodar Kotecha & Ors Vs. Manhabala Jeram Damodar & Anr¹*, has held that a suit for eviction against a gratuitous licensee lies before the Small Causes Court. Therefore, I find that there is no substance in the submission of the learned counsel for the petitioner. Hence, the petition stands dismissed. No order as to costs.

(M.W. Chandwani, J.)

Wagh

¹ (2013) 15 SCC 358