



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

WRIT PETITION NO.164 OF 2024
RAMESH S/O SUDAM HANUMANTE

Vrs.

SMT. VANDANA TULSHIRAM BALKI AND OTHERS

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Ms. Ruperi Meshram, Advocate h/f Shri Sandeep Singh, Advocate for
petitioner.
Shri Karmanya Giripunje, Advocate h/f Shri S. V. Sirpurkar, Advocate
for respondent Nos.1 to 3.

CORAM: M. W. CHANDWANI, J.

DATE : 25/02/2026.

1. The learned Joint Civil Judge, Junior Division, Warora, Dist. Chandrapur (For short, "Trial Court") vide order dated 19/10/2023 below Exhibit 16 in Regular Civil Suit No.53/2021 rejected the application filed by the petitioner under Amended Order XV-A of the Code of Civil Procedure for directing the respondents to deposit the rent amount at the rate of Rs.3,000/- per month from 16/06/2020 before the Trial Court, which has been challenged in this petition.

2. The petitioner has filed the abovesaid suit against the respondents for possession of the house constructed on the suit property and arrears of rent on the premise that the respondents are the tenants. Whereas, learned counsel for the respondents has contended that they are the owners of the suit property. It is stated that the respondents had mortgaged the suit property to one

Dashrath Warudkar by executing a registered deed styled as sale deed. Thereafter, Dashrath Warudkar sold the suit property to the present petitioner. Respondent No.1 has also filed a suit bearing No.80/2020 for declaration and mandatory injunction against the petitioner and the predecessor-in-title Dashrath Warudkar, thereby praying to declare the abovesaid sale deed as illegal, null and void and not binding on her.

3. Thus, the very issue whether the respondents are tenants of the petitioner, is a triable issue in the Regular Civil Suit No.53/2021.

4. Since, relations of landlord and tenant are disputed, and therefore, the Trial Court has rightly rejected the application of the petitioner seeking direction towards payment of rent from the respondents.

5. The Trial Court to see that the matter should be decided, at the earliest.

6. There is no merit in the Writ Petition, hence it is dismissed.

[JUDGE]