



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

SECOND APPEAL NO. 363 OF 2025
WITH
CIVIL APPLICATION NO. 766 OF 2025
IN
SECOND APPEAL NO. 363 OF 2025

KISAN S/O SAMPATRAO BELSARE
Vs.
SHAKUNTALA WD/O SUDAMRAO BELSARE 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. Pratik Patil, Advocate for the Appellant.
Mr. Chahal Damodhar Lilahre, Advocate for Respondent Nos.1 to 4.

CORAM : ROHIT W. JOSHI, J.
DATE : 17th JANUARY, 2026.

1. The only ground on which the decree for eviction and possession is challenged is that according to the plaintiff, the plaintiff is a licensor and the defendant is gratuitous licensee and that such a suit is required to be filed before a Small Causes Court under the Provincial Small Causes Courts Act, 1887. It is contended that since the civil suit is filed before a Civil Court, the suit was not maintainable and as such the decree is without jurisdiction. Reliance is placed on judgment of the Hon'ble Supreme Court in the case of **Prabhudas Damodar Kotecha and Others Versus Manhabala Jeram**

Damodar and Another reported in (2013) 15 SCC 358 . The suit was filed before the Court of Civil Judge, Junior Division, Tiosa Dist. Amravati. There are no Courts of Small Causes in Amravati District. Where as it cannot be disputed that even a suit against a gratuitous licensee should lie before a Court of Small Causes, since there is no Court of Small Causes at Amravati, the suit was rightly filed before Civil Court. The suit was therefore correctly filed before the Court of Civil Judge Junior Division.

2. Since no substantial question of law arises for consideration, the Second Appeal is dismissed.

(ROHIT W. JOSHI, J.)