



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

WRIT PETITION NO.6409 OF 2025

PRAKASHCHAND S/O BANSILALJI KOCHAR
VERSUS
ABHAY S/O ANNAJI TAMBOLI AND ANOTHER

*Office Notes, Office Memoranda of
Coram, Appearances, Court's
orders or directions and Registrar's
orders*

Court's or Judge's orders

Mr. A.M. Chandekar, Advocate for Petitioner.
Mr. VR. Mishra, Advocate for Respondents.

CORAM : PRAFULLA S. KHUBALKAR, J.
DATED : 17th JANUARY 2026

1. Heard learned Advocate for the petitioner as well as learned Advocate for the respondents.
2. The controversy arises from the claim raised by the respondents in the suit bearing R.C.S. No.186 of 2022, about tenancy rights in the vacant plot of the defendant (petitioner herein) by alleging that they were tenants in the suit property, which was demolished and a new building is constructed on the same plot. The trial court has partly allowed the application for temporary injunction and directed the defendant to give written undertaking to the plaintiffs that he will handover tenant premises after completion of construction on the said plot. This order was, however, modified by the appellate court.
3. The petitioner has challenged the order dated 02.07.2025, passed by District Judge-2, Hinganghat, in Misc. Civil Appeal No.16 of 2024, filed by the petitioner. The operative part of the impugned order reads as under :

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1] *The appeal is partly allowed.*

2] *Clause-2 in operative order below Exh.5 and 18 in R.C.S. No.186 of 2022 is hereby set aside, and modified as follows :*

‘Defendant is hereby restrained from creating third party interest in ground and first floor of reconstructed building over suit property till the decision of suit’.

3]

4]

5]”

4. Learned Advocate for the petitioner as well as learned Advocate for the respondents submit that the controversy involved in the instant petition can be decided on the basis of an undertaking dated 16.01.2026 submitted by the petitioner in this petition, by which the petitioner has stated on oath and undertaken that he shall keep vacant the constructed shops in basement or three shops on first floor (Area Around 1500 Sq. Ft.), for the alleged claim of respondent Nos.1 and 2. It is submitted by the learned Advocate for the petitioner that the petitioner undertakes to allot the constructed shops to the respondents according to their respective claims after the same is adjudicated in the civil suit.

5. In view of the undertaking filed by the petitioner, the impugned order stands modified accordingly and the writ petition is disposed of.

6. Parties are at liberty to raise their contentions about their claims before the civil court.

(PRAFULLA S. KHUBALKAR, J.)