



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

WRIT PETITION NO.2003 OF 2026

Rajendra S/o. Manoharlal Vaid **Vs.** Kamini Wd/o. Vishal Pure

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. M.R. Joharapurkar, Advocate for the Petitioner.
 Mr. S.S. Sitani, Advocate for the Respondent/Caveator.

CORAM: PRAFULLA S. KHUBALKAR, J.

DATED : 10th MARCH, 2026

1. Heard learned counsel for the petitioner as well as the learned counsel for the respondent.
2. Petitioner's challenge is to the Order dated 09.02.2026 passed by the Trial Court in Regular Civil Suit No.286/2018 on the application at Exh.49, for striking off defence under Order XV-A of the CPC.
3. The petitioner is original defendant and the respondent is original plaintiff in the suit for eviction filed before the Trial Court. By the impugned order, the defence of the defendant has been struck off for failure to pay all the arrears of rent.
4. Learned counsel for the petitioner submitted that the petitioner had already conveyed that he is ready to pay the entire arrears of rent in accordance with the order dated 16.09.2025 passed by the Trial Court on application at Exh.16 in the said civil suit. In view of this, this Court has passed the following order on 07.03.2026 :-

"1. Learned counsel for the petitioner, on instructions, states that the petitioner is ready to pay the entire arrears

of rent in accordance with the Order passed below Exh.16 dated 16.09.2025 by the Trial Court in the pending Civil Suit bearing Regular Civil Suit No.286/2018. He therefore, prays for time till next Tuesday i.e. 10.03.2026 to place on record the calculations about arrears of rent and to make a statement about readiness of the petitioner to clear the arrears and about the time period.

2. Time granted. List the petition on 10.03.2026, for further consideration.”

5. Today, the petitioner has filed a pursis stating the calculations and mentioning the total amount of arrears as on date, which is disputed by the respondent. Therefore, learned counsel for the petitioner, on instructions, again states that the petitioner is ready to clear all the arrears at the earliest and prays for quashing of the impugned order by which the defence of the defendant has been struck off. The learned counsel for respondent also fairly states that in case the petitioner clears all the arrears upto date then the respondent will not press for the striking off the defence of the defendant.

6. In view of the statement made by the petitioner, to clear of all the arrears, the impugned order needs to be interfered by granting an opportunity to the petitioner to place on record before the Trial Court the fresh calculations and readiness to deposit the amount of entire arrears.

7. In view of the above, in the interest of justice and to grant an opportunity to the defendant to contest the suit on merits, the impugned order is quashed and set-aside. The parties are directed to appear before the Trial Court on next date and the defendant is directed to place on record the calculations of the amount of actual arrears, till today

and to clear all the arrears of rent within a period of three weeks.

8. Learned counsel for the respondent, on instructions, makes a statement that if all the arrears are paid within the period of three weeks, as sought for by the defendant, the plaintiff will not press for the application for striking off defence of the defendant.

9. Having regard to the controversy involved and considering the advanced age of the parties, the suit bearing Regular Civil Suit No.286/2018 is directed to be decided expeditiously. The parties are directed to cooperate the Trial Court for expeditious decision of the suit without seeking unnecessary adjournments.

10. In view of this, the writ petition is **disposed of**. No order as to costs.

(PRAFULLA S. KHUBALKAR, J.)

Privel