

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 900 OF 2015
WITH
CIVIL APPLICATION NO. 670 OF 2015

Dhanaji K. Channe .. Petitioner/Applicant

vs.

Vijay S. Maratkar .. Respondent

Mr. Vasant D. Raut for the Petitioner/Applicant.
Mr. Arvind Purohit for the Respondent.

CORAM : M. S. SONAK, J.
DATE : 17 JUNE 2015.

P.C. :-

1] This petition challenges the order dated 18 November 2014 made by the District Judge-03, Pune directing the petitioner to deposit in the Appeal Court compensation at the rate of Rs.2000/- per month towards occupation of the suit premises as a condition for stay of execution of judgment and decree dated 26 February 2013 directing the petitioner's eviction.

2] The material on record establishes that the suit property is one room in a commercial area of Pune city. The petitioner is a retired Sales Tax Officer. It is the case of the petitioner that he resides in the said room, even though, there is no toilet in the said room. It is also

the case of the petitioner that both the wife and son have separate flats, however, the petitioner is not permitted to stay there and in any case, since the petitioner suffers from heart ailment, will not be in a position to stay there.

3] On basis of the material on record, it cannot be said that the condition to pay Rs.2000/- per month is either onerous or unreasonable. The suit premises are situated in commercial area and eviction was ordered on the grounds of bona fide requirement of the landlord. From the very contention, urged by the learned counsel for the petitioner, it does not appear to a case where the petitioner can be said to be unable to afford deposit of compensation at the rate of Rs.2000/- per month. In so far as deposit of arrears is concerned, suitable installment facility can, however, be granted to the petitioner.

4] Accordingly, the impugned order is not interfered with. In so far as arrears are concerned, however, the petitioner is granted time of four months, within which the petitioner shall deposit the arrears by way of four equal installments. The petitioner shall also regularly deposit the compensation at the rate of Rs.2000/- per month and the

first of such deposit shall be on or before 30 June 2015. The first installment towards arrears to be deposited on or before 31 July 2015.

5] With the aforesaid, this petition is disposed of.

6] In view of disposal of present petition, Civil Application No. 670 of 2015 does not survive and is accordingly, disposed of.

(M. S. SONAK, J.)

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