

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 789 OF 2013

IN

WRIT PETITION NO. 6268 OF 1999

Smt. Vimla B. Shah

.. Applicant

In the matter between

Smt. Hiraben P. Parekh

since deceased through L.Rs.

.. Petitioners

vs.

Smt. Vimla B. Shah

.. Respondent

Mr. K.P. Shah i/b Mr. P.B. Shah for the Applicant/Original
Respondent.

Ms Jui A. Nerurkar for the Original Petitioners.

CORAM : M. S. SONAK, J.

DATE : 19 OCTOBER 2015.

P.C. :-

1] In terms of the order dated 6 July 2015, the reasonable compensation, on ad-hoc basis, was fixed at Rs.6000/- per month and the parties were given liberty to place the material for assisting the Court to determine the reasonable compensation.

2] In pursuance of the aforesaid, the Applicant-landlady has placed valuation report indicating that the monthly compensation should be Rs.30,000/- per month. On the other hand, the tenants have placed reliance upon the valuation report, which is though dated 6 February 2013, states that the fair market monthly rent for the suit premises for the period 1999 to 2000 would be Rs.6,000/-

per month. Besides, the learned counsel for the tenants has invited my attention to the certain photographs of the suit premises and submitted that the condition of suit premises is not proper and further the suit premises are surrounded by slums and therefore, compensation at the rate of Rs.6,000/- per month would be appropriate.

3] Having heard the learned counsel for the parties and perused the material on record, reasonable compensation shall have to be enhanced from Rs.6,000/- per month to Rs.12,000/- per month. In terms of the report submitted by the tenants, the rate of Rs.6,000/- per month was for the year 1999-2000. Even considering the photographs, it cannot be said that the suit premises are in a dilapidated condition, rendering them not fit for user. In fact, the tenants are using the suit premises for the purposes of residence. The suit premises are located at third floor. The building has a lift. The suit premises are very close to the Railway Station and the same have carpet area of 603 sq.ft. The suit premises are located at Wadala (West). If all such circumstances are cumulatively considered at this point of time, it would be appropriate if compensation is determined at the rate of Rs.12,000/- per month.

4] Accordingly, the ad-interim order made by this Court on 6 July 2015 is confirmed. This shall be subject to the condition that the tenants to deposit in this Court compensation at the rate of Rs.12,000/- per month with effect from 1 January 2013. The tenants are reported to have already deposited compensation at the rate of Rs.6,000/- per month. The tenants shall, accordingly, be entitled to credit for such deposits in the matter of deposit of arrears. The time limit for deposit of arrears is granted upto 30 November 2015. Further, the tenants to file usual Undertaking in this Court within a period of four weeks from today and furnish advance copy of the same to the leaned counsel for the Applicant-landlady.

5] Further, considering that the petition is of the year 1999, place the matter for final hearing in the week commencing on 11 January 2016.

6] Accordingly, Civil Application is disposed of.

7] All concerned to act upon an authenticated copy of this order.

(M. S. SONAK, J.)