

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO.115 OF 2015
IN
CIVIL REVISION APPLICATION NO.6 OF 2014

Shri Abdulsalam Jainoddin Shaikh .. Applicant

V/s

Shri Abdulmannan Makbul Shaikh (died)
through his legal heirs

1a. Smt. Tabbassum Abdulmannan Shaikh
and Others

.. Respondents

Mr. Ashok B. Tajane for the Applicant.

Mr. Shrishail Sakhare for the Respondents.

CORAM : M.S. SONAK, J.
DATED : 21 SEPTEMBER 2015

PC. :

. The matter is coming up for confirmation of the ad-interim relief. Since the decree is of eviction, ad-interim relief is confirmed. By the order dated 24 June 2015, the reasonable compensation had been determined at the rate of Rs.3,000/- per month. The parties were afforded liberty to place more material on record which will be considered at the stage of confirmation of ad-interim relief. The landlord has relied upon the area of the suit

premises, which according to him is 26.473 sq. meters. The landlord submits that suit premises situates in the heart of Solapur City at Murarji Peth, Solapur alongwith open space of 16.719 sq. meters., and as per Ready Recknor, the market rate of the rent would Rs.5,000/- per month. A tenant has filed reply disputing the contention of the landlord. He has stated that even if one goes by the Ready Recknor, the market rate of rent would be Rs.2,000/- per month.

2 Considering the aforesaid scanty material placed on record by both the parties, it appears that the determined rate of rent of Rs.3,000/- is fair and proper and accordingly the same is made permissible. The ad-interim relief is confirmed, subject to deposit of reasonable compensation of Rs.3,000/- per month. In case, there is any default, the landlord will be at liberty to apply for vacation of the interim relief.

3 Mr. Tajane, the learned Counsel appearing for the Applicant seeks to withdraw the compensation amount. At this stage, such prayer cannot be entertained. However, it shall be open to the landlord to apply in reply making up a special case. Such application

shall be considered on its own merits and in according with law.

4 However, considering that the landlord is said to be 77 years of age, the Civil Revision Application is directed to expedited. Registry shall place this Civil Revision Application as per status of Senior Citizens' matters.

(M.S. SONAK, J.)

C E R T I F I C A T E

Certified to be true and correct copy of the original signed order.