

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.124 OF 2015
IN
CIVIL REVISION APPLICATION NO.274 OF 2012

Late Dinkar Bodharam Deshmukh.	]	
(Since Deceased) Through his legal heir	]	
Rajeev Digambar Deshmukh	]	... Applicant/ (Orig. Respondent)

In the matter between :

Awadhnarayan Rampratap Shukla	]	... Petitioner
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Versus

Late Dinkar Bodharam Deshmukh.	]	
(Since Deceased) Through his legal heir	]	
Rajeev Digambar Deshmukh	]	... Respondent

Mr. Ravindra R. Chile for Applicant/Original Respondent.
 Mr. D. S. Mhaispurkar h/f Vaidehi Mhaispurkar for Original Petitioner.

CORAM :- M. S. SONAK, J.
DATE :- JULY 07, 2015

P. C. :-

1. This Court, by its order dated 04/10/2012, had granted ad-interim relief. Today the matter has come up for confirmation of ad-interim relief as also for consideration of the Civil Application taken out by the landlord for determination of reasonable

compensation which the Petitioner-tenant ought to be directed to deposit as a condition for interim relief.

2. The landlord, relying upon the ready reckoner in the Affidavit in reply filed by him, has stated that the suit premises would fetch compensation of around Rs.36,300/- (Rupees Thirty Six Thousand Three Hundred Only) per month. In the Civil Application, there is reference made to the revised reckoner figure and the claim is that the suit premises would fetch compensation of Rs.40,860/- (Rupees Forty Thousand Eight Hundred Sixty Only) per year.

3. The learned Counsel for Petitioner-tenant points out that the suit premises earlier admeasured 100 sq.ft. out of which almost 34 sq.ft. have been acquired by the municipal authorities for the purpose of road widening. Further, the learned Counsel points out that the landlord had issued notice to the tenant to vacate the suit premises, as the municipal authorities had issued notice for its demolition. Such notice was issued because the municipal authorities were of the opinion that the suit premises are a dilapidated structure.

4. Having heard the learned Counsel for parties and perused the record, in my judgment, it would be appropriate if the Petitioner-tenant is directed to deposit an amount of Rs.2,000/- towards reasonable compensation as a condition for confirmation of ad-interim relief. This is because a portion of the suit premises has already been acquired and the Petitioner-tenant is accordingly entitled to

corresponding rebate. The Petitioner-tenant carries out commercial activities in the suit premises and therefore, the direction for deposit of Rs.2,000/ per month would, in the facts and circumstances of the present case, be not onerous.

5. Therefore, ad-interim relief granted earlier is confirmed subject to the condition that the Petitioner-tenant deposits in this Court an amount of Rs.2,000/- (Rupees Two Thousand Only) per month with effect from 01/03/02012. The arrears to be deposited on or before 30/08/3015.

6. Civil Application stands disposed of in the aforesaid terms.

(M. S. SONAK, J.)