

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1167 OF 2015

Smt. Vasanthi G. Shetty & Anr.	..	Petitioners
VS.		
Smt. Yashodadevi wd/o.		
S. Yadav & Ors.	..	Respondents

Mr. R. B. Paranjape i/b. R. A. Rajhuns for Petitioners.
Mr. Y. K. Tiwari i/b. K. P. Tiwari & Co. for Respondents.

CORAM : M. S. SONAK, J.
DATE: 30 JUNE 2015

P.C. :-

1] The amount in terms of the impugned order till date has been deposited by the petitioners. The same to remain deposited before the Small Causes Court and the same to abide by the final orders that shall be made by the appellate bench of the Small Causes Court in the pending appeal no. 113 of 2012.

2] By consent, the impugned order to the extent it determines compensation amount at Rs.2,000/- is set aside. This is because the impugned order itself states that neither parties had placed on record any material for the purposes of such determination. The parties are granted liberty to place on record material which will assist the appellate court in determining the amount of reasonable compensation, which the petitioners ought to be required to deposit

as a pre-condition for stay on the execution of the eviction decree. Such material to be placed on record by both parties within a period of two weeks from today. Thereafter, the appellate Court to make fresh order on basis of such material within a period of four weeks thereafter.

3] It is made clear that this Court has not examined the matter on its merits and therefore, all contentions of all parties are kept open.

4] It is clarified that the impugned order is set aside only to the extent it determines compensation at the rate of Rs.2,000/- per month. The stay on the execution of the eviction decree is however maintained.

5] This petition is disposed of in the aforesaid terms. There shall be no order as to costs.

6] All concerned to act on basis of authenticated copy of this order.

(M. S. SONAK, J.)