

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO.8936 OF 2014
WITH
CIVIL APPLICATION NO.696 OF 2015

Mr. Ranga Singh Soar.] ... Petitioner

Versus

1. Laxmikant Murlidhar Sharma,]
2. Mithailal Saligram Teli.] ... Respondents

Mr. Milan Desai for Petitioner.

Ms. Shweta Sharma i/b Mr. Siddharth Sharma for Respondent No.1.

CORAM :- M. S. SONAK, J.
DATE :- JULY 10, 2015

P. C. :-

1. Arguable issues are raised. Hence Rule.
2. There shall be an interim order restraining the eviction of the Petitioner from the suit premises. However, there shall be no stay on the trial Court determining the mesne profits. Once such determination is complete, liberty to the Respondent No.1 to apply for variation in the amount of reasonable compensation which, the Petitioner is being directed to deposit in this Court as a condition for continuance in the suit premises on the basis of interim order made

today. The interim order is subject to the condition that the Petitioner deposits in this Court a sum of Rs.5,000/- (Rupees Five Thousand Only) per month effective from 01/04/2013 and continues to deposit such amount on or before 5th day of each succeeding month. The arrears to be deposited on or before 31/08/2015. In determination of such compensation, this Court has taken into consideration the leave and license agreement produced by and on behalf of the Respondent No.1 which indicates that one of the co-owner has licensed virtually neighbouring premises for compensation of Rs.7,000/- per month. The suit premises are situated at Malad (East) and admittedly being used by the Petitioner for commercial purposes.

3. The learned Counsel for Respondent No.1 states that the Respondent No.1 be permitted to withdraw the compensation. In this regard, it is open to the Respondent No.1 to take out appropriate Civil Application seeking withdrawal. The same, once made, will be considered on its own merits and in accordance with law.

4. In view of the above, Civil Application No.696 of 2015 stands disposed of.

(M. S. SONAK, J.)