

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10751 OF 2014

Smt. Khurshida Banoo w/o. Mohd. Ayub Khan & Anr.	..	Petitioners
VS. Mehboob Ali Hassan Shah & Anr.	..	Respondents

Mr. Abhijeet K. Naik i/b. Mr. Rajesh Khobragade for Petitioners.

CORAM : M. S. SONAK, J.
DATE : 10 AUGUST 2015

P.C. :-

1] The impugned order dated 26 November 2013 merely directs the respondents to deposit arrears of compensation at the rate of Rs.1,450/- per month from the date of filing of the suit and thereafter directs the investment of such amounts. The impugned order also makes it clear that such deposit shall be subject to the final decision in the suit.

2] The learned counsel for the petitioners states that the petitioners have deposited an amount of Rs.2,10,000/- towards the suit premises. The revisional Court has rightly directed that such amount, if allegedly deposited, shall be adjusted, if proved. The leave and licence agreement does make reference to compensation at the rate of Rs.1,450/- per month and in case there was any

variation in terms, it would obviously be for the petitioners to make out such a case and to submit necessary evidence in that regard.

3] There is no jurisdictional error in the making of the impugned order. None of the contentions of the petitioners have been foreclosed. In case the petitioners adduce appropriate evidence in support of their contentions, then there is no reason to believe that the same will not be considered by the trial Court. Accordingly, this petition is dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

Chandka