

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
CIVIL APPLICATION NO. 1852 OF 2014  
IN  
WRIT PETITION NO. 1642 OF 2004

M.K. Jagasia

.. Applicant

vs.

Jagjeet Singh Paul and ors.

.. Respondents

Mr. S.S. Kanetkar for the Applicant.

**CORAM : M. S. SONAK, J.**

**DATE : 14 JULY 2015.**

**P.C. :-**

1] By this Civil Application, the applicant seeks enhancement in the rate of reasonable compensation determined by this Court in its order dated 13 August 2010. This Court, by its order dated 13 August 2010 had determined the rate of reasonable compensation at Rs.31,000/-.

2] By this Civil Application, on the basis of Ready Reckoner, the applicant seeks enhancement upto Rs.60,411/-.

3] Mr. Kanetkar, learned counsel for the applicant-landlord submits that attempts were made to serve this application upon the advocates on record in Writ Petition No. 1642 of 2004. The said advocate, however, refused to accept the notice and directed that the

same be served upon some other advocate. The other advocate also declined to accept the notice. This, to say the least, is improper. The advocate on record is duty bound to accept the notice. Mr. Kanetkar states that necessary affidavit with regard to the attempts of service shall be filed within a period of one week from today.

4] This Court, in its order dated 13 August 2010, which was incidentally confirmed in Letter Patent Appeal, had determined reasonable compensation at the rate of Rs.31000/- on the basis of Ready Reckoner figures then prevalent. The said figures have now been varied on account of passage of almost five years. It is the case of the Mr. Kanetkar that on the basis of Ready Reckoner figures for June 2013, market rate would be Rs.60,411/-.

5] Although, enhancement cannot be to the extent applied for, in the facts and circumstances of the present case, it would be appropriate if the petitioners-tenants are directed to deposit reasonable compensation at the rate of Rs.45,000/- per month effective from 1 July 2014. The amounts already deposited in accordance with the order dated 13 August 2010 can be taken into consideration and the tenants to pay the difference, for the period

between 1 July 2014 and the date of making of this order. The arrears to be deposited on or before 31 August 2015.

6] In future, however, the tenants to deposit compensation at the rate of Rs.45,000/- per month.

7] Mr. Kanetkar to take steps to serve this order upon the learned advocates on record for the petitioners in Writ Petition No. 1642 of 2004.

8] Civil Application is disposed of with the aforesaid terms.

**(M. S. SONAK, J.)**

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