

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 343 OF 2014
IN
CIVIL REVISION APPLICATION NO. 694 OF 2012

Lorna R. D'Lima wd/o. R. D'lima & Ors. .. Applicants
In the matter between :
Shah J. Lakhamshi wd/o.
Late L. Tegesingh & Ors. .. Petitioners
vs.
Lorna R. D'Lima wd/o. R. D'lima & Ors. .. Respondents

Mr. S. M. Sharma i/b. M/s. M. P. Vashi & Associates for Applicants/
Original Respondents.
Mr. D. J. Lulia for Original Petitioners.

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

P.C. :-

- 1] The landlords have placed a valuation report on record which suggests that the reasonable compensation would be in the range of Rs.6,000/- per month. The tenants have also placed on record a valuation report which suggests that the reasonable compensation would be in the range of Rs.1,600/- per month. The valuation report submitted by the tenants emphasizes upon the circumstance that there is neither any water nor electricity supply to the suit premises.
- 2] Upon consideration of the two valuation reports as also the circumstance that the suit property is alleged to be used for commercial purpose and is located at Vile Parle, it will be appropriate if the tenants are directed to deposit compensation at

the rate of Rs.3,500/- per month. This is in accordance with the principles laid down by the Apex Court in the cases of *Atma Ram Properties (P) Ltd. vs. Federal Motors (P) Ltd. and State of Maharashtra & Anr.*¹ vs. *M/s. Super Max International Pvt. Ltd. & Ors.*²

3] Accordingly, in modification of the earlier orders, there shall be an interim order restraining the respondents landlords from executing the decree of eviction, subject to the tenants depositing in this Court an amount of Rs.3,500/- (Rupees Three Thousand Five Hundred) per month with effect from 1 January 2015. The arrears / difference in arrears to be cleared on or before 31 August 2015. The aforesaid amounts to be deposited in this Court. Thereafter, the landlords shall be at liberty to make application seeking withdrawal / investment. Such application, if made, shall be considered on its own merits.

4] Further, the deposit for the month of August to be made on or before 31 August 2015. However, the deposits for rest of the months to be made on or before the 5th day of each succeeding month.

5] Civil application is disposed of.

Chandka

(M. S. SONAK, J.)

1 (2005) 1 SCC 705

2 2009 (5) ALL MR 1001