

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8149 OF 2014

Mrs. Santoshkumari L. Mehta .. Petitioner

vs.

Jaiprakash B. Raka and anr. .. Respondents

Mr. A.R. Bhalchim i/b Mr. A.D. Sonkawade for the Petitioner.

Mr. S.S. Kulkarni for Respondent Nos.1 and 2.

CORAM : M. S. SONAK, J.

DATE : 17 JULY 2015.

P.C. :-

1] Rule. With the consent of and at the request of learned counsel for the parties, Rule is made returnable forthwith.

2] This petition challenges the order dated 19 August 2014, by which the Appeal Court has directed the petitioner to deposit compensation at the rate of Rs.10,000/- per month as a condition for stay in execution of the eviction decree. There is no jurisdictional error as such, in making of the impugned order. However, the learned counsel for the petitioner points out that the petitioner is required to take care of her son, who has some special needs, for this purpose, considerable expenditure is incurred each month. There is a Certificate to this effect produced from Sancheti Institute for Orthopedics & Rehabilitation. Some credence was necessary to be given to this aspect of the matter.

3] In the aforesaid circumstances, the amount of Rs.10,000/- referred to in the impugned order be substituted with Rs.7,000/-. Except this modification, the impugned order is not interfered with. The arrears as per the decree, which is impugned before the Appeal Court as also in terms of the impugned order, if not already cleared, to be cleared by the petitioner within a period of eight weeks from today. The petitioner to continue to deposit compensation at the rate of Rs.7,000/- per month as a condition for continuation in the suit premises.

4] Rule is made absolute to the aforesaid extent. There shall, however, be no order as to costs.

(M. S. SONAK, J.)

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