

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9750 OF 2009

Shri Manohar Parshuram Waradkar and Ors.] ... Petitioners

Versus

Shri Yeshwant Dagadu Pawar.] ... Respondent

None for Petitioners.

None for Respondent.

CORAM :- M. S. SONAK, J.

DATE :- MAY 08, 2015

P. C. :-

1. None for Petitioner.

2. This petition is directed against the order dated 21/08/2009 granting stay to the decree in RAE & R Suit No.1353 of 1992 subject to payment of compensation at the rate of Rs.500/- per month in respect of the suit premises with effect from 01/09/2009.

3. This Court, issued Rule on 11/03/2010 but directed that the pendency of the petition will not operate as a stay of the appeal and the Appellate Court is free to decide the appeal in accordance with law.

4. From the circumstance that neither parties nor their Advocates are present, it is reasonable to presume that the appeal itself has been disposed of by this date. In any case, all that the impugned order does is to require the Petitioners to pay compensation at the rate of Rs.500/- per month, as a condition for stay upon the impugned decree of eviction. This is in compliance with the law laid down by the Hon'ble Supreme Court in the case of ***Atma Ram Properties V/s. M/s. Federal Motors Pvt. Ltd.***¹

5. Accordingly, it cannot be said that the impugned order is vitiated by any jurisdictional error or for that matter there is any material irregularity in the exercise of discretion.

6. Writ Petition is accordingly dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)

¹ 2005 (1) SCC 705