

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.3366 OF 2014
IN
FIRST APPEAL NO.39 OF 2015**

Mohd. Yahya S/o. Mohd. Ayub &
Ors.

...Applicants

Versus

Abubakar S/o. Jan Mohd.
(since deceased, through legal
heirs) 1-a) Mrs. Nasimabanoo w/o.
Abubakar & Ors.

...Respondents

.....

Mr. K.N. Kore for the Applicants.

Mr. M.S. Karnik i/b. Mr. Nilesh S. Patil for the Respondents.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 26th AUGUST, 2015.

P. C. :

By this application, the Applicants i.e. original plaintiffs/
decree holders pray that as the suit is decreed and the Respondents
i.e. original defendants are occupying the suit premises without
paying any amount to the Applicants, who are the decree holders,
the Respondents be directed to pay an amount of Rs.10,000/- p.m.
for using and occupying the suit premises i.e. Room No.3, Mohd.

Sharif Chawl, 154/C, Agaswadi, Dharavi Cross Road, Mumbai-400 017, from the date of filing of the suit i.e. 30.11.2000 till today by way of compensation.

2. Learned counsel for the Respondents submits that the Respondents are poor and the premises is a small room in Dharavi. They are not in a position to pay Rs.10,000/- p.m. and so also the arrears from the date of filing of the suit. They have been paying Rs.300/- p.m. towards the rent to the father and uncle of the Respondents.

3. In view of the submissions made by the learned counsel for both the sides and considering the location of the suit premises, which is in Dharavi, the following order will meet the ends of justice:

ORDER

- (a) The Respondents are directed to deposit Rs.5,000/- p.m. from the date of the judgment i.e. 20.6.2014, in this Court and shall deposit regularly Rs.5,000/- p.m. hereafter.

- (b) The Applicants are allowed to withdraw 50% of the amount, which is deposited by way of arrears and so also the amount which will be deposited hereafter towards the compensation for the use and occupation of the suit room.
- (c) The Respondents shall deposit the arrears within three weeks from today alongwith rent for the month of September-2015.
- (d) The civil application stands disposed of.

(MRS. MRIDULA BHATKAR, J.)