

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

C.A.W. NO.2270/2015
IN
WRIT PETITION 3498/2014

Shri Hiralal
..Versus..
Shri Tarkeshwar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.
DATE : 29.1.2016

Heard Shri N.H. Shams, advocate for the
respondent/landlord and Shri D.G. Paunikar, advocate for the
petitioner/tenant.

The landlord has filed this application seeking direction
to the petitioner to deposit the occupation charges at the rate
of Rs.5,000/- per month w.e.f. 1st January, 2014 till the
decision of this petition.

The learned advocate for the petitioner has opposed
the claim of the landlord.

Considering the averments made in paragraph no.3 of

the civil application that the trial Court had directed the petitioner/tenant to pay standard rent of Rs.2,000/- per month for adjacent premises by the order passed in M.J.C. No.88/2004 and the undisputed fact that the premises for which the petitioner was directed to pay standard rent of Rs.2,000/- per month is situated adjacent to the premises which are subject matter of present proceedings and the fact that the area of both the premises is also same, in my view, it would be appropriate to direct the petitioner to pay Rs.2,000/- per month towards occupation charges to the respondent/landlord w.e.f. 1st November, 2015 i.e. from the month after this application is filed till the decision of the petition.

If the petitioner commits any two successive defaults in paying the occupation charges to the respondent/landlord, the interim order granted by this Court on 14th July, 2015 shall stand vacated without reference to Court. The civil application is allowed in the above terms. No costs.

JUDGE