

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

WRIT PETITION NO. 2020 OF 2016

M/s. Pioneer Fasteners

.... Petitioner

Versus

Shri Ashish Anant Apte

.... Respondent

A.S.Khandeparkar a/w Rakesh Pathak I/b. Khandeparkar & Associates for Petitioner.

Ms. Bhakti Jogal for Respondent.

CORAM : N. M. Jamdar J.

DATE : 18 November 2016.

P.C.

. Heard learned Counsel for the parties.

2. The petitioner has challenged the order dated 28 November 2015 passed by the Appellate Bench of the Small Causes Court, whereby an interim relief has been granted in the appeal filed by the Respondent on payment of monthly compensation of Rs. 42,000/-.

3. The learned Counsel for the Petitioner submitted that the amount of Rs. 42,000/- as compensation for a commercial property i.e. an industrial Gala is too meager. He submitted that various aspects have not been considered by the Appellate Bench

while fixing the amount. Having heard the learned Counsel for the parties, I do not find any case made out for interfere in the limited jurisdiction under Article 227 of Constitution of India. The Appellate Bench has taken note that the amount paid by the Respondent was Rs.21,000/- per month and the Appellate Bench has granted an increase of 100% i.e. doubling the amount by way of compensation. I do not find any reason to interfere with the fixation of the amount, however I leave it to the Appellate Bench to pass any such further orders as regard the compensation at the time of disposal of the appeal after looking into the other material that may be produced by the parties. The Appellate Bench will not be powerless to modify the compensation at the time of hearing of the appeal.

4. The learned Counsel for the petitioner submitted that the suit was filed in the year 2005 and is decreed in favour of the petitioner and the appeal be expedited. If any application is made by the petitioner for expeditious disposal of the appeal, the learned Appellate Bench will consider the same favourably and grant priority to the hearing, subject to earlier time bound commitments.

5. The Writ Petition is accordingly disposed of.

(N. M. Jamdar, J.)