

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.155 OF 2016
IN
WRIT PETITION NO.6233 OF 2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr.R.S.Datar i/b Mr.Vincent F. Pereira for the applicant

Mr.Sachin Gelye for the petitioner nos.1 to 4

CORAM : K. K. TATED, J.

DATE : OCTOBER 15, 2016

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 This application is preferred by original respondent for directing petitioners to pay sum of Rs.5,000/- per month with effect from the date of decree dated 10.3.2006. He submits that the decree is against the petitioner for directing to hand over possession of the suit premises i.e. room no.3 situated at Yashwant Kambli Chawl, Chawl No.1, Room No.3, Tembipada Road, Tembipada, Bhandup, Mumbai 400 078 admeasuring 150 sq.ft. Because of interim relief granted by this court, petitioner is in possession of the same. He submits

that this court by order dated 14.7.2014 in Writ Petition No.6233 of 2014 granted liberty to the applicant to prefer application for monthly compensation. Hence, applicant is pressing the present Civil Application. He submits that on the basis of the agreement dated 1.12.2014 applicant is claiming compensation of suit property Rs.5,000/- per month. He also relies on the agreement dated 11.2.2014. In support of this contention, he relies on the Apex Court judgment in the matter of *Atma Ram Properties vs. Federal Motors Pvt. Ltd. (2005) 1 SCC 705* and the averments made in Civil Application. He submits that petitioner in their Affidavit in reply agreed/admitted to pay compensation @ Rs.1,500/- per month.

3 On the other hand, the learned Counsel for the petitioner submits that they have no objection to deposit the amount @ Rs.1,500/- per month in the Registry of this court. Hence, by consent of both the parties, following order is passed:

a) Petitioner is directed to deposit monthly compensation in respect of suit property @ Rs.1,500/- per month from the month of March, 2006 till the hearing and final disposal of the Writ Petition No.6233 of 2014.

b) Petitioner to clear the arrears of maintenance charges till October, 2016 within 8 weeks from

today.

c) Petitioner is directed to deposit monthly compensation @ Rs.1,500/- in the Registry on or before 10th of each month till further orders.

d) If amount is deposited as stated hereinabove, Registry is directed to invest the said amount in any nationalised bank initially for a period of one year and same be continued till the hearing and final disposal of Writ Petition.

e) Civil Application is disposed of accordingly.

JUDGE