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

CIVIL APPLICATION NO. 472 OF 2016

in

WRIT PETITION NO. 8766 OF 2004

Mr. Keshav @ Suhas Nilkant Dandekar.

... Applicant
(Orig. Respondent)

In the matter between

Mr. Hari Govind Ranade
(Since deceased through his legal heirs)
Smt. Rekha Hari Ranade and Ors.

... Respondents
(Orig. Petitioners)

V/s.

Mr. Keshav @ Suhas Nilkanth Dandekar. ... Orig. Respondent.

Mr. G.H. Keluskar for the Applicant & Orig. Respondent.
Mr. Sandeep Phatak a/w. Ajinkya Udane for the Orig. Petitioner.

CORAM : N.M. Jamdar, J.

01 December, 2016.

Oral Order :-

Heard the learned Counsel for the parties. This is an application taken out by the Respondent – landlord. Writ Petition filed by the Respondent – tenant is pending. In this Civil

Application, grant of compensation of Rs.11,000/- during the pendency of the Writ Petition, is sought for.

2. According to the Applicant, the premises admeasure 423 sq.ft. i.e. 321 sq.ft. (carpet). According to the Respondent that the premises are 300 sq.ft. The premises are located in Shukrawar Peth, Pune which is heart of the city. However, it is pointed out that the premises located in a old structure. It is informed that one of the Respondent, that is son of the tenant is residing with her. This Respondent is in service.

3. The learned Counsel for the Petitioner, during the course of the argument submitted that though prayer is made to fix a deposit at the rate of Rs.11,000/- per month, the Court can consider fixing the rent at Rs.7,500/-. The learned Counsel for the Respondent on the other hand submitted that the compensation can be around Rs.5,000/-. The learned Counsel for the Respondents submitted that the arrears should be from the date of the order while it is the case of Applicant that it should be from the date of the decree. Considering the location of the premises, the structure of the building, and and that one of the Respondent who is occupying the premises who is at present in service, I am of the opinion that the compensation at the rate of Rs.6,000/- per month to be paid by the Respondents will be an equitable arrangement pending the hearing of the Petition.

4. Accordingly, the Respondents are directed to deposit an amount of Rs.6,000/- per month till the disposal of the Writ Petition. The deposit so made will be subject to the final outcome of the Writ Petition. The deposit shall be made from the date of the present civil application. As far as the arrears are concerned, the Applicant will add Rs.1,000/- to the compensation of Rs.6,000/- to be paid to the Respondent – landlord as and by way of installment, till the arrears are cleared.

5. Civil Application is disposed of in above terms.

(N.M. Jamdar, J.)