

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 211 OF 2016
IN
CIVIL APPLICATION NO. 2213 OF 2015
IN
WRIT PETITION NO. 9141 OF 2012

Mr. Vijay S. Gaikar	..	Applicant
<u>In the matter between :</u>		
Mr. Vijay S. Gaikar	..	Petitioner
vs.		
The State of Maharashtra & Ors.	..	Respondents

WITH
CIVIL APPLICATION NO. 212 OF 2016
IN
CIVIL APPLICATION NO. 2214 OF 2015
WITH
CIVIL APPLICATION NO. 213 OF 2016
IN
CIVIL APPLICATION NO. 2215 OF 2015
WITH
CIVIL APPLICATION NO. 214 OF 2016
IN
CIVIL APPLICATION NO. 2216 OF 2015
WITH
CIVIL APPLICATION NO. 215 OF 2016
IN
CIVIL APPLICATION NO. 2217 OF 2016
WITH
CIVIL APPLICATION NO. 216 OF 2016
IN
CIVIL APPLICATION NO. 2218 OF 2015
WITH
CIVIL APPLICATION NO. 217 OF 2016
IN
CIVIL APPLICATION NO. 2219 OF 2015
WITH
CIVIL APPLICATION NO. 218 OF 2016
IN
CIVIL APPLICATION NO. 2220 OF 2015

Mr. Yuvraj D. Patil for Applicants / Petitioners.
Mr. M. M. Vashi – Senior Advocate with Mr. Rajeev Sharma for
Respondent No. 4.

CORAM : M. S. SONAK, J.
DATE: 10 OCTOBER 2016

P.C :

- 1] Not on board. Upon production, taken on board.
- 2] By these civil applications, the applicants seek clarification in the context of certain observations in paragraphs 10 and 11 of the order dated 8 December 2015, as modified by order dated 21 December 2015.
- 3] According to the applicants, the orders contemplate payment of compensation at the rate of Rs.12,500/- per month until, the possession of the alternate premises is actually handed over to the applicants.
- 4] On the contrary, Mr. Vashi, learned counsel for respondent no. 4 submits that compensation at the rate of Rs.12,500/- per month was to be paid for the period between 1 October 2014 and 8 December 2015, which was in fact computed as Rs.93,500/-. On basis of instructions, Mr. Vashi has submitted that this amount of

Rs.93,500/- has already been paid to the applicants. Learned counsel for the applicants submits that he is not too sure that such amount has in fact been paid. At this stage, at least, we have to proceed on basis of statement of Mr. Vashi that the amount has indeed been paid. If the amount is not paid, obviously the applicants will be entitled to maintain appropriate proceedings, including proceedings for contempt of court for failure to comply.

5] Upon a conjoint reading of paragraphs 10 and 11 of the order, it appears to me that compensation at the rate of Rs.12,500/- was to be paid as a one time measure for the period indicated. However, for the future, the respondent no. 4 is required to pay compensation at the rate of Rs.8,500/- per month, which is to be suitably revised from time to time, so that the applicants are on par with the other erst while occupants.

6] Accordingly, no further clarifications are necessary. The civil applications are disposed of, with liberty, as aforesaid.

(M. S. SONAK, J.)