Urmila Ingale

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 233 OF 2016
IN
CIVIL REVISION APPLICATION NO. 121 OF 2011

Mr.Milind Ramchandra Gokhale .. Applicant

In the matter between

Mrs.Savita Anil Pande .. Petitioner
Vs.
Mr.Milind Ramchandra Gokhale .. Respondent

Mr.Dhananjay A.Athavale, for the Applicant (original Respondent).
Ms.Pratibha Shelake h/f Mr.Pradeep J.Thorat, for Respondent (original Petitioner).

CORAM : M.S.KARNIK, J.
DATE : 16th APRIL, 2016

P.C. :

. The present Civil Application is filed by the applicant – original plaintiff for enhancing compensation. Earlier, by an order dated 12/07/2013 passed in Civil Application No. 773 of 2012, this Court had fixed interim compensation @ Rs.10,000/- per month and directed to deposit the compensation from the date of the order of the Appellate Court. Arrears were also directed to be deposited by the end of November 2013 and thereafter by 10th day of each

calender month regularly. It is not disputed that in compliance of the order dated 12/07/2013, the tenant is paying the compensation regularly.

2. The applicant has now filed this Civil Application for enhancing the compensation on the ground that the rent of the suit premises at the prevailing market rate is much more than Rs.10,000/- fixed by this Court. The respondent has filed the reply opposing the application.

3. After the matter was heard for some time, both the learned Counsels for respective parties fairly agreed to the suggestions made by the Court and have arrived at an arrangement by consent. Learned Counsel for the respondent fairly states that respondent would pay the enhanced compensation of Rs.15,000/- per month with effect from 01/05/2016 and continue to pay the same regularly. In view thereof, the following arrangement is agreed by the parties.

i) The respondent shall pay/deposit enhanced compensation of Rs.15,000/- per month with effect from 01/05/2016 and continue to pay the same regularly.

ii) This arrangement would continue upto the end of December 2019.

4. Liberty is granted to the applicant to make a fresh application for enhancement after 01/01/2020. The application, if any, that may be filed by the applicant for enhancing the compensation may be decided on its own merits.

5. This is purely an arrangement made by consent of both the Counsels on instructions of their clients and without prejudice to the contentions that may be raised in the fresh application filed if any. I have not expressed any opinion on merits of the controversy. All the contentions of the parties are kept open.

6. Civil Application is accordingly disposed of.

(**M.S.KARNIK, J.)**