

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

WRIT PETITION NO.6401 OF 2014

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
---	---------------------------

Mr.A.S.Khandeparkar a/w Mr.Amogh Karandikar, Mr.Rakesh Pathak and Mr.Rajdeep Gude for the petitioner

Mr.Niranjan Avinash Mogre i/b Mr.Ravi G. Shinde for the respondent nos.1A to 1C

CORAM : K. K. TATED, J.
DATE : MARCH 17, 2016

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 The present petition is filed by tenant defendant challenging the order dated 17.6.2014 passed by learned District Judge-12, Pune below Exhibit-15 in Civil Appeal No.146 of 2014 fixing interim compensation @ Rs.35,000 per month in respect of suit property admeasuring 1400 sq.ft. situated at Chinchwad, Pune .
- 3 The Appellate Court also directed petitioner defendant to deposit interim compensation from the date of filing of suit till the decision of Appeal.
- 4 Both the counsel submit that the reasons

given by this court (Coram: N.M.Jamdar, J.) in order dated 28.4.2015 in Writ Petition No.6403 of 2014, the impugned order in petition in hand be set aside and matter be remanded to the Trial Court for deciding on its own merits with liberty to both the parties to place on record additional affidavit and relevant documents, if any. Hence, by consent of both the parties, following order is passed:

- a) Order dated 17.6.2014 passed by learned District Judge, Pune below Exhibit-15 in Civil Appeal No.146 of 2014 is set aside.
- b) Matter (Application below Exhibit-15) is remanded to the Appellate Court for deciding on its own merits.
- c) Liberty granted to the plaintiff as well as defendant to place on record additional affidavit and documents if any, in Application Exhibit-15 within four weeks from today.
- d) The Appellate Court is directed to decide the application filed by the respondent plaintiff below Exhibit-15 in Civil Application No.146 of 2016 on or before 6.5.2016.
- e) The amount deposited by the petitioner /defendant pursuant to the order dated 8.7.2014 to continue till the hearing and final disposal of the

application below Exhibit-15 filed by the respondent plaintiff, subject to further order of appellate court.

f) Appellate Court is directed to decide application below Exhibit-15 on its own merits without influencing the earlier order.

g) Writ Petition stands disposed of accordingly.

JUDGE