

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 461 OF 2016
IN
CIVIL REVISION APPLICATION NO. 983 OF 2012

Mahesh Mithalal Trivedi	..	Applicant
<u>In the matter between :</u>		
Mahesh Mithalal Trivedi	..	Petitioner
VS.		
M/s. Mohanlal S. Mithawala & Ors.	..	Respondents

Mr. Shardul Singh i/b. Sushma Singh for Applicant.
None for Respondents.

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

P.C :

1] This civil application seeks modification of order dated 12 June 2015, by which, the applicant has been directed to pay compensation of Rs.5,000/- per month as a condition for occupying the suit premises, despite, there being a decree of eviction against him.

2] Mr. Singh, learned counsel for the applicant has placed reliance upon valuation report dated 23 July 2015 of Mr. R. R. Pednekar, Architect and Government Registered Valuer, which indicates that Rs.2,500/- would be appropriate compensation considering the Ready Reckoner rates, the condition of the property, the lack of open spaces, the lack of parking spaces and even after adding 20% to the actual area of the suit premises.

3] In this case, the suit premises are situate at Kalbadevi, which is commercially location. The applicant, from out of the premises, undertakes the business as a silver smith. The photographs of the premises have been placed on record. The premises admeasure approximately 70 sq. ft. and are located on the ground floor. The premises appear to be in a busy commercial area.

4] The aforesaid circumstances are sufficient to maintain the compensation at the rate of Rs.5,000/- per month. Ultimately, this is only a deposit and there are no orders made permitting the landlord to withdraw the compensation amount. There is nothing set out in the civil application as would suggest that some undue hardships will occasion the applicant if the amount of Rs.5,000/- towards compensation is maintained. The valuer, in his report, has referred to Rs.2,500/- per month as being '*fair rent*'. Obviously, such a concept cannot apply once, there is already a decree of eviction made against the applicant.

5] For the aforesaid reasons, this application is disposed of. The ad interim determination of compensation of Rs.5,000/- per month is hereby confirmed.