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

WRIT PETITION NO. 10477 OF 2016

Mr. Anup Singh Devendra Singh. ... Petitioner.

V/s.

Smt. Anganadevi Ramsahay Kori (deceased)
and Ors. ... Respondents.

Mr. Indrajeet Yadav for the Petitioner.
Ms. R.K. Bhagia for Respondent 1-A.

CORAM : N.M. Jamdar, J.

28 November, 2016.

Oral Order :-

The Petitioner has challenged the order passed by the Appellate Bench of Small Causes Court of Bombay, fixing the compensation at the rate of Rs.5,000/- per month till disposal of the Appeal as a condition for grant of stay to the execution of the judgment and decree impugned before it. The Obstructionist Notice No. 21 of 2008 has been taken out in RAE & R No. 5177 of 1986. This was disposed off by the judgment and order dated 30

August 2012. It is against this order, an Appeal is filed by the Petitioner. In this Appeal, while granting an interim relief in favour of the Petitioner, an amount of Rs.5,000/- has been fixed. The learned Counsel for the Petitioner submitted that there were settlement talks between the parties which has not been considered so also the valuation report which is submitted by the Respondent – landlord has been accepted in toto.

2. I have considered the rival contentions. The Appellate Bench has passed a reasoned order. The object of fixing compensation is to arrive at an equitable arrangement till the disposal of the Appeal. The Respondent - landlord filed a report of the Government Registered Valuer who indicated that the compensation for ground floor would be around Rs.5,000/- per month while for the first floor premises it would be around Rs.4,000/-. There is no contra material was placed on record by the Petitioner. The Petitioner, except criticizing the material produced by the Respondent – landlord, did not produce material on his own. In the circumstances, the reliance placed by the Appellate Bench on the material produced by the Respondent – landlord and fixing the compensation accordingly cannot be stated to be in error of jurisdiction or error of law.

3. In the circumstances, no interference is warranted in the impugned order. The Writ Petition is accordingly rejected. As far as the arrears are concerned, eight weeks' time is granted to the Petitioner to clear the same.

(N.M. Jamdar, J.)