

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.4184 OF 2015
IN
FIRST APPEAL NO.1338 OF 2015**

Basavraj Dhodamani

..Applicant

Vs.

Kesar Shaikh

..Respondent

Mr. R. D. Suryawanshi for the Appellant

Mr. Shekhar Sawant for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 7th JUNE, 2016

P.C.

1 The above Civil Application has been filed seeking interim stay to the decree of possession passed by the Trial Court. The Trial Court i.e. the Learned Judge of the City Civil Court, Greater Mumbai, has partly decreed the Suit in question and thereby has directed the Applicant i.e. the original Defendant No.1 to hand over possession of the suit premises. The said decree has been passed by the Trial Court after recording a finding that the Plaintiff was in possession of the suit premises prior to she being dispossessed on 25-2-2009. Since there is a decree of possession passed by the Trial Court there would be interim stay in terms of prayer clause (a) of the above Civil Application on the condition that the Applicant to pay an amount of Rs.2500/- per month to the Respondent No.1 herein as compensation for occupation of the premises. This is on the basis that it is the case of the Learned Counsel appearing for the Applicant / Appellant that the premises admeasuring 10ft x

15ft would according to him fetch an amount of Rs.2000/- per month. The said payment to commence from June 2016 to be paid on or before the 10th of each month. The Applicant / Appellant would continue to pay the said amount of Rs.2500/- per month pending the Appeal. The Civil Application is accordingly disposed of.

[R.M.SAVANT, J]