

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11468 OF 2017**

Union of India, represented Secretary & Director ...Petitioner
General and others.

Versus

Mr. Bharat Ravichand Jhaveri and another. ...Respondents

Mr P G Palshikar, i/b Vinod Joshi for the Petitioner.

**CORAM: G.S. PATEL, J
DATED: 20th November 2017**

PC:-

1. Heard.

2. The Union of India through its Postal Department is aggrieved by an order of 25th August 2016 of the Appellate Court of the Small Causes Court at Mumbai. That order conditionally stayed an eviction decree dated 7th May 2014 in respect of tenanted premises of 4000 sq ft at Byculla. The Union of India through its Postal Department was a tenant and, as usual, in this Writ Petition, claims to be a protected tenant, leaving at large the question of against whom or what it seeks this protection. The Appellate Court directed compensation payable at Rs.2,00,000/- per month, an

amount that, in my view, is entirely reasonable, having regard to the location and size of the premises. The Appellate Court said this amount is to be paid from May 2014 onwards. For the period from May, 2014 to August, 2016 the amount was to be paid within three months.

3. It is urged that the amount is excessive. I disagree. If anything it is on the lower side. It is urged that the landlord himself had mentioned a figure of Rs.1,60,000/- as reasonable. The Appellate Court correctly placed reliance on the decision of the Supreme Court in the case of *Atma Ram Properties (P) Ltd vs Federal Motors (P) Ltd*¹ in arriving at the monthly compensation figure.

4. There is no infirmity demonstrated in this order. The Writ Petition must be rejected, and it is. A clarification is sought whether in regard to the past period of May 2014 to August 2016, the Postal Department is to pay an aggregate of Rs. 2,00,000/- or an amount of Rs.2,00,000/- per month. The answer surely suggests itself. The amount payable is Rs.2,00,000/- per month. Any other interpretation would render the impugned order entirely nugatory. With this clarification, the Writ Petition is rejected with no order as to costs.

(G. S. PATEL, J)

¹(2005) 1 SCC 705.