

Atul

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8098 OF 2016

Sulochana Tukaram Raut & Anr ...Petitioners
Versus
Gagabai Raghunath Rasal (deceased) through LRs ...Respondents

Mr Jitendra M Patil, *for the Petitioner.*
Mr Pradeep J Thorat, *for Respondents Nos. 1(a) to 1(f).*

CORAM: G.S. PATEL, J
DATED: 1st November 2017

PC:-

1. Heard. The impugned order requires no interference. By that order dated 10th February 2010, after hearing both sides, and taking into account all factors, the Appellate Bench of the Court of Small Causes allowed the petitioners' application for stay of execution of an eviction decree obtained on 9th September 2015 filed by the respondent-licensor, but on condition that the petitioner would deposit arrears of interim compensation at the rate of Rs. 10,000/- per month from October 2015 to January 2016 within three months and at the rate of Rs. 10,000/- per month thereafter. The premises in question are situated at SG Barve Nagar, Ghatkopar (East), Mumbai 400 084. All relevant factors have been taken into account.

2. The Appellate Court correctly appreciated the import of the decisions of the Supreme Court in *Atma Ram Properties (P) Ltd v Federal motors Pvt Ltd*.¹ As is well known these principles have been reiterated including in *State of Maharashtra & Anr v Supermax International Pvt Ltd & Ors*.²

3. There is no merit in the petition. It is dismissed. There will be no order as to costs.

(G. S. PATEL, J)

1 (2005) 1 SCC 705.

2 (2009) 9 SCC 772.