

Santosh

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6340 OF 2015

SS Patil & Brothers	...Petitioner
<i>Versus</i>	
Rajesh Shivaji Savla & Ors	...Respondents

Mr Jaydeep J Thakkar, *for the Petitioner.*
Mr Jaydeep Deo, *for the Respondents.*

CORAM: G.S. PATEL, J
DATED: 6th December 2017

PC:-

1. Heard.

2. The Petitioner is aggrieved by the order of the Appeal Court fixing Rs.5,000/- per month as interim compensation pending the final disposal of the Appeal. According to the Petitioner, these being valuable commercial premises in a commercial locality, the compensation ought to have been Rs.63,000/- or more and certainly not Rs.5,000/-.

3. At this stage, it is not possible to interfere with the exercise of that discretion by the Appellate Court. Apart from anything else this is clearly an interim order. It is sufficient to request the Appellate Bench

to expedite the final disposal of the Appeal. It is also clarified that the Appellate Bench will, in its discretion, be entitled, provided the circumstances so permit, to fix a higher compensation that is payable from the date of the filing of the Appeal.

4. On these observations the Writ Petition is disposed of. There will be no order as to costs.

5. The Appeal Court is requested to dispose of the Appeal at the earliest and, if possible, within a period of six months from today.

(G. S. PATEL, J.)