IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 648 OF 2016
IN
CIVIL REVISION APPLICATION NO. 870 OF 2014

Shri Narendra Bhikaji Chavan And Ors ...Applicant
Versus
Mrs. Anne Francis Lobo,
Thru. Poa Mrs Carmin Michale Lobo ...Respondent

Mr.Akshay A. Deshmukh for the Applicant.

Mr.Rajesh More a/w Ms.Amrita Agarwal for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 23rd AUGUST 2017

P.C.

1. Heard learned counsel for the parties.

2. One of the issues raised in this application relates to the applicability of the provisions of the Maharashtra Rent Control Act to the premises located in cantonment area of the Pune Cantonment Road. The learned counsel for the applicant points out that this precise issue is pending consideration before the Division Bench of this Court in Writ Petition No.2937 of 2011 and connected matters.

This order is corrected in pursuance to the speaking to minutes order dated 14/09/2017

3. In view of the aforesaid rule.

4. In this case, there shall be interim relief restraining the respondents from executing the eviction decree. However, this shall be subject to the following conditions :-

(a) The applicants to file usual undertaking in this Court within a period of four weeks from today;

(b) The applicant to deposit in Trial Court compensation at the rate of Rs.3,000/- per month w.e.f. 01st June 2014 and to continue to deposit the same on or before the 05th day of each succeeding month.

(c) The learned counsel for the applicant points out that in pursuance of the ad-interim orders made earlier, the applicant has been depositing compensation at the rate of Rs.500/- per month. Accordingly, the applicant, shall be entitled to credit for the amounts already deposited.

(d) The time limit for deposit of arrears i.e.

differential amount shall be six months from today.

(e) In case of failure to deposit the arrears or in case of any two consecutive or three non-consecutive defaults, interim relief now granted to stand vacated without any further reference to this Court.

5. In determining reasonable compensation, I have considered the valuation reports filed by both the parties as also, the capacity of the applicant to deposit the amounts in question. This direction to deposit is made in terms of the decisions of the Hon'ble Supreme Court in the case of ***Atma Ram Properties (P) Ltd. vs. Federal Motors (P) Ltd.[1] And State of Maharashtra & Anr. vs. M/s. Super Max International Pvt. Ltd. & Ors.[2]***

6. Upon disposal of Writ Petition No.2937 of 2011, parties are at liberty to apply for fixing a date for final disposal of this Civil Revision Application.

(M. S. SONAK, J.)

1 (2005) 1 SCC 705
2 2009 (5) ALL MR 1001

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