

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 10471 OF 2016

Mr. Tanveer Sarang	...Petitioner
<i>Versus</i>	
Ali Mohammad Sahibile [deleted]	...Respondents
Royal Landmarks	

Mr D.R. Singh, *i/b R.B. Singh & Associates for the Petitioner.*
Mr Javed Akhtar, *for the Respondent.*

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

PC:-

1. Heard.

2. The Writ Petition is directed against an order of the Appellate Bench of Small Causes Court at Bombay passed on 22nd July 2016. By this order, as a condition for stay of an eviction decree, the appellant was required to deposit Rs. 5000/- per month. The petitioner says the compensation ordered is too high. Hence, this Writ Petition.

3. The premises are 112 square feet at Mazgaon. It is argued that the petitioner cannot afford this compensation and that the building

is not in a good condition. The Petitioner says an amount of Rs. 2,500 per month is the maximum that ought to have been ordered.

4. Reliance is placed on the decision of Single Judge of this Court in the case of *Marjorie Passanah and another vs. Mumtaz Iqbal Shaikh*.¹ That judgement reduced the monthly compensation from 15,000/- to 7500/- having regard to various factors, but, while doing so, the learned Single Judge was careful to note the fact that there cannot be an uniform formula to determine what is reasonable compensation. The situation varies from case to case. In any event, the submission also overlooks the fact that decision is of 2009 and, therefore, it is of very little assistance in arguing that in 2017 an interim monthly compensation of Rs. 5000/- is excessive. Indeed it is not, and I can find no ground for interference in exercise of supervisory or inherent jurisdiction of this Court. It is sufficient to clarify that the compensation fixed is only interim compensation, pending the hearing of the appeal and as condition for the stay.

5. The Writ Petition is rejected with no order as to costs.

(G. S. PATEL, J)

¹ 2009 (1) Mh L J 972.