

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.682 OF 2016
IN
CIVIL REVISION APPLICATION NO.684 OF 2014**

Jamnadas Khimji Jethwa
(since Deceased)

1(a) Shri. Hemendra J. Jethva And Ors.

...Applicants
(Org. Respondents)

IN THE MATTER BETWEEN :

Smt Kamlaben Punamchand Panchal

...Applicant
(Org. Appellants)

Versus

Jamnadas Khimji Jethwa
(since Deceased)

1(a) Shri. Hemendra J. Jethva And Ors.

...Respondents

Mr.V.S. Kapse i/b Mr.Haresh Lulia for the Applicant.

Mr.Pankaj R. Thatte for the Respondents.

CORAM : M. S. SONAK, J.

DATE : 04th SEPTEMBER 2017

P.C.

1. In respect of the premises on the same floor this Court, has approved the determination of reasonable compensation at the rate of Rs.15,000/- per month. This determination was in the context of the year 2013 and in respect of the premises ad-measuring 900 sq.ft.

2. In the present case, the suit premises ad-measure 650 sq.ft. Besides, the learned counsel for the tenant submits that the financial position of the tenants is quite precarious. He also relied upon the photographs of the suit premises to show the status of the suit premises.

3. Upon cumulative consideration of all these material, including, the order passed by this Court on 22nd July 2013 in Writ Petition No.5259 of 2013 in respect of the neighbouring premises, reasonable compensation is determined at the rate of Rs.10,000/- per month. Ordinarily, the determination should have been Rs.12,000/- per month. However, upon taking into consideration the payment capacity of the tenants and also, the present state of the premises, compensation is determined at the rate of Rs.10,000/- per month. Such compensation shall have to be deposited with effect from 01st April 2014, since, the eviction decree is made by the Appeal Court on 13th March 2014.

4. Accordingly, ad-interim order granted earlier is hereby confirmed subject to the tenants depositing in this Court compensation at the rate of Rs.10,000/- per month effective from 01st April 2014. The time for deposit of arrears shall be at 12 weeks

from today. The deposits to be made on or before 05th day of each succeeding month.

5. In case of default in depositing of arrears or in case of two consecutive defaults or three non consecutive defaults, the interim order now granted shall stand vacated without any further reference to this Court.

6. Further, the tenants, to file the usual undertaking within a period of four weeks from today after furnish of advanced copy to the learned counsel appearing for the respondents.

7. The landlords are permitted to withdraw the contractual rent at the rate of Rs.300/- per month, which rent, had already been deposited by the tenants before the Trial Court. Further, the amount of reasonable compensation now directed to be deposited to be invested in an Nationalized Bank or in a proper financial institution. Further, the tenants to continue to pay contractual rent directly to the landlords by means of cheque. In case of any difficulty, contractual rent may be deposited before the Trial Court.

8. Since, the learned counsel has stated that the applicant is a senior citizen, the hearing of the Civil Revision Application is expedited. The application to be placed for final hearing as per the seniority accorded to the matters concerning senior citizens.

9. Accordingly, all Civil Applications are disposed of.

10. To the aforesaid extent, this Civil Application is disposed of.

(M. S. SONAK, J.)