

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 665 OF 2016
IN
CIVIL REVISION APPLICATION NO.204 OF 2014**

Smt Bhagirathi Vithal Shetty

..Applicant

Vs.

Ismail Abdeally Khambati & Ors

..Respondents

Mr. Mandar Limaye i/b Smt Veera Shinde for the Applicant

Mr. Taiyeb A Khambati Respondent No.2 present a/w with his son Mr. Khozem Khambati

CORAM : R. M. SAVANT, J.

DATE : 6th APRIL, 2017

P.C.

1 The above Civil Application has been filed for modifying the order dated 25-8-2015 in so far as it fixes the interim compensation @ Rs.20,000/- per month. The reasons why the interim compensation @ Rs.20,000/- per month was fixed, find place in paragraph 4 of the order dated 25-8-2015 passed by a Learned Single Judge of this Court. The premises in question totally admeasure 220 sq.ft. built up area and having carpet area of 185 sq.ft. The Applicant is running a restaurant in the said premises. The premises are situated on Lamington road, opposite Minerva Cinema which is in the heart of the city of Mumbai and is a busy commercial area and is also in the close proximity of the Grant Road railway station. Hence the interim compensation @ Rs.20,000/- per month cannot be said to be excessive or exorbitant so as to

modify the same and bring it down to a lesser amount. Hence no relief can be granted to the Applicant. The Civil Application is accordingly rejected. The hearing of the above Civil Revision Application is however expedited.

[R.M.SAVANT, J]