

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

WRIT PETITION NO. 11671 OF 2016

Vijay Parshuram Hsinde And Anr

...Petitioners

Versus

Shri Madhukar Dattatray Kale

...Respondent

Mr.Shriram S. Kulkarni for the Petitioners.

Mr.Lalita Hemant Panchakshari for Respondent.

CORAM : M. S. SONAK, J.

DATE : 09th OCTOBER 2017

P.C.

1. The challenge in this petition is to the determination of reasonable compensation at the rate of Rs.50,000/- per month. The premises in this case admeasure about 208 sq.ft. and are located in Joshi Baugh area.

2. The landlord had claimed that the compensation would be in the range of Rs.75,000/-, whereas, the tenant claims that the reasonable compensation should be between Rs.15,000 to Rs.20,000/-

3. In this case, it appears that there was hardly any inquiry

made before determining the figure of Rs.50,000/- This is because none of the parties placed before the Appeal Court suitable material which would have assisted the Appeal Court in determining the amount of reasonable compensation. Considering the aforesaid circumstances it will be appropriate if reasonable compensation on an *ad hoc* basis is determined at the rate of Rs.25,000/- per month. Thereafter, the parties may, within four weeks from today, place whatsoever material that they choose to place before the Appeal Court, and the Appeal Court within a period of six weeks thereafter, shall determine the amount of reasonable compensation. In the meanwhile, the tenant, to deposit compensation on *ad hoc* basis at the rate of Rs.25,000/- per month. The tenant shall be entitled to credit the amounts already deposited. The impugned orders are therefore set aside.

4. It is made clear that this Court had not adverted to the merits of the matter and therefore, merits as regards the quantum of reasonable compensation to be determined by the Appeal Court after giving opportunity to the parties.

5. The parties state that they will place whatsoever material they wish to rely for the purposes of determination of the reasonable compensation within a period of four weeks from today.

5. The petition is disposed of in the aforesaid terms.
There shall be no order as to costs.

(M. S. SONAK, J.)