

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO. 126 OF 2017
IN
WRIT PETITION NO. 9772 OF 2017

Keshav Pandurang Iyare	..Petitioner
<u>In the matter between :</u>	
Keshav Pandurang Iyare	..Petitioner
versus	
Vishnu Tukaram Dukhande	..Respondent

Mr. Pandya G. V. for Petitioner.
Mr. D. M. Gaonkar i/b. Mr. Kunal Bhanage for Respondent.

CORAM: M.S. SONAK, J.
DATE : 29 NOVEMBER 2017

P. C. :

1] There is no case of review made out this is because no error apparent on the face of record has been pointed out. Admittedly, there is an eviction decree against the petitioner. The petitioner has applied for and secured a stay on the execution of the eviction decree. The appeal court, consistent with the principles of ***Atma Ram Properties (Private) Limited Vs. Federal Motors Private Limited***¹, has imposed condition that such stay shall be subject to the petitioner depositing interim compensation of Rs.2,000/- per month. In fact, the landlord, had applied for an interim compensation at the rate of Rs.10,000/- per month.

¹ 2005(1) SCC 705

2] Merely because in one of the grounds of the memo of appeal there is a reference to mesne profits, there is no difference to the characterization of the interim compensation which has been awarded by the appeal court.

3] There is no case for review is made out. The review petition is therefore dismissed.

4] Though the review petition is dismissed, the time limit for payment of arrears of compensation in terms of the order dated 22nd August 2017 is extended by a period of three months from today. However, if, within a period of three months from today, all the arrears are not cleared, the stay order granted by the appeal court, shall stand vacated without any further reference to the appeal court.

(M. S. SONAK, J.)