

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 697 OF 2016
IN
CIVIL REVISION APPLICATION NO. 354 OF 2010**

Smt. Vandana Wd/o Shri Dattaram Dadu Bhogale ..Applicant
In the matter between

Shri Babaji Sahadev Kesarkar ..Applicant
Vs.

Smt. Vandana Wd/o Shri Dattaram Dadu Bhogale ..Respondent

Mr. S. A. Sawant for the Applicant / original Respondent
Mr. P. J. Thorat for the original Applicant

CORAM : R. M. SAVANT, J.
DATE : 30th MARCH, 2017

P.C.

1 The above Civil Application has been filed claiming an amount of Rs.35,000/- per month towards the compensation for the use of the premises by the original Civil Revision Applicant. There are concurrent orders passed by the courts below directing the eviction of the original Civil Revision Applicant. The said orders are the subject matter of the above Civil Revision Application No.354 of 2010. The above Civil Revision Application had come up for admission before a Learned Single Judge of this Court on 9-6-2010 when after hearing the Counsel for the parties the above Civil Revision Application was admitted and interim reliefs in terms of prayer clause (c) was granted on the condition that the Civil Revision Applicant deposits a sum of Rs.1000/- per month in this Court till the Civil Revision Application is decided. The said

order has been passed after hearing the respective counsel appearing for the parties.

2 The above Civil Application is founded on the Judgment of the Apex Court in the matter of **Atmaram Properties (P) Ltd. Vs. M/s. Federal Motors Pvt Ltd.**¹ The amount of Rs.35,000/- is claimed on the basis of the valuation report of one Mr. S. R. Paradkar, Government Registered valuer which, is annexed to the above Civil Application. The said valuer has stated that the fair market rent of the premises in question would be Rs.25,600/- per month. It is required to be noted that the premises in question are admeasuring 200 sq.ft. carpet area in a five storied building which is without lift. The said premises in question are situated on the 3rd floor of the said building. This court is informed that the condition of the building is not all that good. The original Civil Revision Applicant is a retired person having retired from Shipping Corporation of India, he is residing in the said premises with other family members. In so far as the Applicant in the above Civil Application is concerned, she is the widow of the landlord and she is about 60 years of age and is suffering from paralysis.

3 In my view, considering the area in which the building in which the premises in question are situated as also considering the present status of the premises and considering the fact that the compensation of Rs.1000/- per

¹ (2005) 1 SCC 705

month was fixed by the Learned Single Judge of this Court after hearing the Learned Counsel for the parties, it would be just and proper to enhance the said compensation to Rs.3000/- per month from 1-10-2016, this is on the basis that the instant Civil Application has been filed on 7-10-2016. Since the original Civil Revision Applicant has already deposited the compensation @ Rs.1000/- per month on the basis of the earlier order, he would deposit the difference from 1-10-2016 in this Court within 6 weeks from date and would go on depositing the compensation @ Rs.3000/- per month as fixed by the instant order hereinafter. The Applicants would be at liberty to file an application for withdrawal of the amount which application would undoubtedly be considered on its own merits and in accordance with law. With the aforesaid directions the Civil Application is accordingly disposed of.

4 The hearing of the above Civil Revision Application considering the age and health condition of the Applicant is expedited and to be placed for final hearing after the ensuing summer vacation.

[R.M.SAVANT, J]