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ORDINARY ORIGINAL CIVIL JURISDICTION

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.259 OF 2017

IN

CIVIL APPLICATION NO.262 OF 2017

IN

CIVIL REVISION APPLICATION NO.84 OF 2007

Shrinath V. Chaturvedi & Anr.

..Applicants.

V/s.

Dr. Hanioraj L. Chulani & Anr.

..Respondents.

Mr.S.S. Dube for the Applicants in CAO/259/2017.

Mr.Vishal Kanade with Ieshan Sinha i/b. Wadita Ghandy & co.for
the Respondents.

CORAM: M.S. SONAK, J.

DATE : OCTOBER 10, 2017

P.C.:-

Not on board. Upon production, taken on production
board.

2. Heard learned counsel for the parties. Considering the
averments made in the civil application, the order dated September

20, 2017 passed by this Court in Civil Application No.262 of 2017 is recalled.

3. Civil Application No.259 of 2017 in Civil Application No.262 of 2017 in Civil Revision Application No.84 of 2007 is disposed of accordingly.

***CIVIL APPLICATION NO.262 OF 2017
IN
CIVIL REVISION APPLICATION NO.84 OF 2007***

3. Heard learned counsel for the parties.

4. Mr. Kanade submits that the Applicants have placed the valuation report on record justifying the increase in reasonable compensation at Rs.2,81,925/-. The Respondents have not placed any material on record to counter this position. He submits that in respect of similar premises in the said locality, this Court has determined reasonable compensation at a substantially high rate.

5. Mr.Dube, learned counsel for the Respondents submits

that the landlord are not providing for security and not providing water supply. This submissions are entirely irrelevant for the purpose of determining the issue of enhancement of compensation. If at all the Respondents have any such grievance, it was for them to take out appropriate application before the appropriate forum to redress their grievance.

6. Though, in this case, no material has been placed on record by the Respondents, it should be noted that in the year 2012, this Court had determined the compensation at the rate of Rs.70,000/-. Five years have lapsed from the date of last determination. By allowing the increase at the rate of 10% p.a. it will come to approximately Rs.1,20,000/-. In the circumstances, reasonable compensation is enhanced from Rs.70,000/- to Rs.1,00,000/- per month from March, 1, 2017. The Respondents-tenants are directed to pay compensation at Rs.1,00,000/- (Rupees one lakh) on or before 10th of each month. In case of any default, the interim order granted earlier shall stand vacated.

7. Both the Applicants as well as the Respondents submit that the hearing of the revision application be expedited. Since this is a case where eviction had been applied on the ground of *bona fide* requirement, taking into consideration the decision of the Hon'ble Apex Court in the case of *Hameed Kunju V/s. Naxim, Civil Appeal No.9151 decided on 17 July, 2017*, the hearing of the Civil Revision Application is expedited. Place the Civil Revision Application for final hearing in the week commencing from November 20, 2017 along with Writ Petition No.288 of 1997 and Civil Revision Application No.720 of 2014.

8. Civil Application No.262 of 2017 is disposed of in the above terms.

(M.S. SONAK, J.)