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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO.55 OF 2019

IN

WRIT PETITION NO.537 OF 2018

Hansa Villa Realty Pvt. Ltd.

..Petitioner.

V/s.

Smt. Chandaben Jayantilal Udani (since
deceased) through LRs. & Ors.

..Respondents.

Mr.Jaydeep Deo for the petitioner.

Ms.Vasanti S.Dighe for the respondents.

CORAM : M.S.SONAK, J.

DATE : APRIL 22, 2019

P.C.:-

Heard Mr.Deo, learned counsel for the petitioner and
Ms.Dighe, learned counsel for the respondents.

2. This petition seeks recall of the order dated November 27,
2018 passed by this Court by which the compensation amount was
scaled down from Rs.34,000/- p.m. to Rs.15,000/- p.m. The scaling
down was on the basis of representation made on behalf of the
respondent (original petitioners) that the premises did not have an
exclusive toilet in the suit premises.

3. The review petition is filed by stating that the aforesaid false representation was made by and on behalf of the respondents (original petitioners).
4. Mr.Mukesh Bhikhulal Udani, respondent No.4 (one of the original petitioner) is present in the Court and he admits that the suit premises has an exclusive toilet. However, it is sought to be explained that in the building there is common toilet. The fact that in the building there is a common toilet is quite irrelevant and is not the same thing as saying that in the suit premises there is really no common toilet in the building.
5. For all the aforesaid reasons, the review petition is liable to be allowed. Learned counsel for the parties agree on the issue that whatever appropriate order is required to be made, be made in the writ petition itself.
6. According to me, taking into consideration the fact that the suit premises has exclusive toilet facility, the compensation amount can be scaled down from Rs.34,000/- p.m. to Rs.25,000/- p.m.
7. Accordingly, this review petition is allowed partly. The order dated November 27, 2018 is modified and the compensation amount of Rs.34,000/- p.m. is now substituted with compensation amount of Rs.25,000/- p.m.
8. Time limit for depositing the difference in the compensation amount is, however, extended by a period of eight weeks

from today.

9. The review petition as well as Writ Petition No.537 of 2018 are disposed of in the aforesaid terms.

10. All concerned to act on the basis of an authenticated copy of this order.

(M.S.SONAK, J.)