

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 7171 OF 2018

Rajesh S/o Rasikbhai Rajguru and anr.

..VS..

Narendra S/o Laxminarayan Bhadupotey

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.R. Joharapurkar, Adv. for the petitioners.

Shri A.S. Ghawde, Adv. h/f Shri R.M. Pande, Adv. for the
respondent.

CORAM : Z.A.HAQ, J.

DATED : 2nd August, 2019

Heard. Being aggrieved by the conditions imposed by the learned District Judge requiring the petitioners (judgment debtors) to deposit Rs.5,000/- per month as occupation charges for continuation of stay of the execution of decree for possession passed by the trial Court, this petition is filed.

According to the petitioners, they are occupying the premises admeasuring 120 square feet, but the amount of occupation charges is worked out by the learned District Judge considering the premises to be 192 square feet. Further submission is that the petitioners were paying Rs.1,000/- per month as rent and the occupation charges are determined five times of the amount of rent. Another submission is that the application filed by the respondent-landlord under Section 8 of the Maharashtra Rent Control Act, 1999 seeking fixation of standard rent, is also rejected. The learned Advocate for the petitioners relied on the judgment delivered by the Hon'ble

Supreme Court in the case of State of Maharashtra -Vs-M/s Super Max International Pvt. Ltd. And ors. reported in AIR 2010 SUPREME COURT at page no. 722 to urge that the impugned order being arbitrary and without considering the parameters laid down in the judgment, is unsustainable.

After going through the impugned order, I find that the learned District Judge has examined the issue of determination of the occupation charges, considering the material placed on record before him. I am not inclined to interfere with the impugned order which undisputedly is interlocutory in nature.

Hence, the writ petition is **dismissed** with costs quantified at Rs.5,000/- to be paid by the petitioners to the respondent. The petitioners shall deposit the amount of costs before the District Court within one month, failing which the learned District Judge shall pass appropriate orders against the petitioners, treating it to be non-compliance of the directions given by this Court.

On deposit of the amount of costs, it be given to the respondent.

JUDGE

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