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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 13066 OF 2019

Alies Anthony (Deceased)
Through LRS.
Salo Anthony and Ors.

... **Petitioners.**

Versus

Dilip Madanlal Chabbria

... **Respondent.**

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Mr. Priyansh Shah i/b Equity Legal for the Petitioners.

Mr. R. D. Mishra for the Respondent.

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CORAM : A. S. GADKARI, J.

DATE : 3rd JANUARY, 2020

P. C. :

1. By the impugned Order dated 16th October 2019 passed below Exhibit 13, the Appellate Bench of the Small Causes Court at Mumbai, has directed the petitioners to pay compensation of Rs.20,000/- (Rupees Twenty Thousand Only) per month from the date of decree i.e. 23rd February 2016 till passing of the impugned Order and further directed the petitioners to continue to pay the said compensation till the disposal of the appeal. The Appellate Bench of the Small Causes Court by Order dated 25th July 2016 passed below Exhibit 6 has granted stay to the Judgment and Decree passed by the Trial Court.

2. The record indicates that, in his rejoinder dated 4th April 2018

(page No. 40 of the petition) the respondent has admitted that, the Court has granted compensation at the rate of Rs. 10,000/- (Rupees Ten Thousand Only) per month, to other judgment debtor to be paid as compensation for the premises adjoining to the suit premises during pendency of the appeal.

3. In view of the admission given by the respondent in his rejoinder the petitioners are directed to pay interim compensation at the rate of Rs. 10,000/- (Rupees Ten Thousand Only) per month from 23rd February 2016 and shall continue to pay the said compensation till the disposal of the Appeal No. 193 of 2016 pending on the file of the Appellate Bench of the Small Causes Court at Mumbai.

4. The petitioners are directed to clear all arrears by depositing the amount in the Registry of the Small Causes Court within a period of four weeks from today.

5. It is made clear that, if the petitioners fail to deposit the said amount within stipulated period, interim relief granted by the Appellate Bench of the Small Causes Court shall stand vacated without further reference to the Court and respondent will be at liberty to execute the decree passed by the Trial Court.

6. Petition is allowed in the aforesaid terms.

(A. S. GADKARI, J.)