

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

WRIT PETITION NO. 3141 OF 2021

Bharat S/o Inderchand Kejadiwal

vs.

Sharad S/o Mahadeo Mahajan through his constituted attorney name

Ketan S/o Sharad Mahajan

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. Sanket S. Bhalerao, Advocate for petitioner.

CORAM : MANISH PITALE J.

DATE : 25/08/2021

By this petition, the petitioner (original tenant) has challenged order dated 10/02/2021, passed by the Appellate Court where the petitioner has filed an appeal challenging a decree of eviction passed by the Small Causes Court against the petitioner.

2. The impugned order has been passed on an application for grant of stay moved by the petitioner. Upon considering the contentions of the rival parties, the Appellate Court has granted stay of the decree passed by the Small Causes Court, subject to the petitioner paying an amount of Rs.12,000/- per month to the respondent towards occupational

charges of the said shop block from the date of the judgment of the Trial Court till decision of the appeal.

3. The learned counsel appearing for the petitioner submits that the direction to pay Rs.12000/- p.m. towards occupational charges is exorbitant and it is based on no reasoning or analysis of the rival contentions raised before the Appellate Court. This Court has perused the impugned order. From paragraph 6 onwards, there is reference to a valuation report submitted by the respondent as also to ready reckoner in respect of the area in question. Thereafter, the contentions of the petitioner have been taken into consideration.

4. It is an admitted position that the suit shop block in the present case is located in Mahajan Market, Sitabuldi, Nagpur, which is a busy market area, popular amongst the residents of Nagpur and the rates of property in the said area are in terms of the report placed on record before the Appellate Court.

5. The Material on record has been taken into consideration and the Appellate Court has thereafter arrived at a conclusion that it would be in the interest of justice that the petitioner pays an

amount of Rs.12000/-per month towards occupational charges.

6. This Court is of the opinion that the findings rendered in the impugned order cannot be said to be bereft of any reasoning. The parameters on the basis of which occupational charges are to be determined in terms of settled law have been applied and it cannot be said that Appellate Court has committed any error while passing the impugned order.

7. In view of the above, the writ petition is dismissed.

JUDGE