

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO. 171 OF 2021
IN
CIVIL REVISION APPLICATION NO. 290 OF 2009**

Shirish Krishna Joshi	Applicant
IN THE MATTER BETWEEN	
Smt. Smita Ravindra Atre & Ors.	Applicants
Vs.	
Shirish Krishna Joshi	Respondent.

Mr. Mahesh Rawool i/b. Mr. Avinash Avhad for Applicant.
Mr. Vishal Kanade a/w. Adv. Janhvee Joshi i/b. Adv. Sanjay Gawade
for the Applicant/respondent.

CORAM : NITIN W. SAMBRE, J.

DATED : 20th JULY, 2022.

P.C.:

IA/171/2021

1. The applicant's prayer for eviction on the ground of bonafied need under section 16(1)(g) of the Maharashtra Rent Control Act was allowed by both the Courts below against which non-applicant/tenant's revision is admitted.
2. The present application is taken out for issuance of directions to the tenant to pay the amount of Rs.15,000/- towards the compensation from date of decree for eviction i.e. 02/01/2007.
3. My attention is invited to the nature of the property which is

in possession of the non-applicant i.e. flat with an area of 400 sq.ft.

4. The claim for demand of Rs.15,000/- per month compensation is substantiated with leave and license agreement dated 31.07.2017 of a property which is from the very same building.

5. As such, it is claimed that considering the prevalent market rent of the property, which is in possession of the non-applicant, it will be justified to direct the non-applicant to pay the compensation of Rs.15,000/- per month from the date of decree.

6. The prayer is opposed by the counsel for the non-applicant/tenant

7. He would claim that the property is quite old and will not fetch rent as it is claimed by the applicant.

8. It is further contentions that in any case the prevalent accommodation charges of today's date cannot be relegated back i.e. the date of decree of 2007.

9. I have appreciated the said submissions.

10. It will be appropriate in my opinion to grant the compensation of Rs.10,000/- per month in view of the leave and license agreement produced from the record of property in the

said building which is fetching the license fees of Rs.20,000/- per month.

11. The said amount is directed to be deposited from the date of application.

12. It is further directed that the non-applicant / tenant shall deposit within three months from today the compensation @ Rs.2,000/- per month from the date of decree.

13. The said directions are without prejudice to the rights of the parties in the revision.

14. The Interim Application stands allowed in the above terms.

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by ANANT
KRISHNA NAIK
Date:
2022.07.25
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(NITIN W. SAMBRE, J.)