

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

**WRIT PETITION NO.1716 OF 2019
WITH
INTERIM APPLICATION NO.2796 OF 2022**

Hanifa Bakshi ..Petitioner
Versus
Zubedabhai Hasanali Kagalwala & Anr. ..Respondents

Mr. Moinuddin A. Khan a/w Rameshkumar Mandal, for the
Petitioner.
None for the Respondents.

CORAM : NITIN W. SAMBRE, J.

DATE : 19th AUGUST, 2022

P.C.

1. Heard.
2. The order impugned in the petition is passed on 12th December, 2018, whereby the petitioner/defendant/ judgment debtor in a suit for eviction was directed to pay interim compensation at the rate of Rs.10,000/- per month.
3. The order is assailed on the ground that the quantum of Rs.10,000/- awarded is on much higher side and as such is exorbitant. The aforesaid submissions are sought to be substantiated by oral contentions that the petitioner stood retired as a teacher and is in advanced age. It is claimed that she is surviving on the pension and the meagre earning of her husband. Further contentions are, the suit premises is more

than 50 years old and that being so, the petitioner is willing to pay double the amount of rent as compensation.

4. My attention is invited to the fact that though the respondents are served, none appears.

5. I have appreciated the said submissions.

6. The fact remains that the suit premises in possession of the petitioner is admeasuring 690 sq.ft. situated in Byculla division. Considering the location of the suit premises and its area, it will be appropriate, in my opinion, to modify the order impugned, as the aforesaid contentions are not controverted by the respondents as they have chosen not to appear in the matter. That being so, the amount of Rs.10,000/- is directed to be reduced to Rs.7,000/- per months. However, rest of the observations made in order impugned are maintained.

7. The petition as such stands partly allowed.

8. Needless to clarify that the amount of Rs.7,000/- is directed to be deposited from the date of present order.

9. The pending interim application stands disposed of.

[NITIN W. SAMBRE, J.]