

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

**CIVIL APPLICATION NO.275 OF 2019
IN
CIVIL REVISION APPLICATION NO.4 OF 2017**

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Shri. Umashankar Sadhu Singh
Since deceased through legal heirs
Shri. Tejbahadur Umashankar Singh & Anr. ..Applicants
Versus
Shri. Sayyad Sabir Sayyad Chand ..Respondent

Ms. Anusha P. Amin, for the Applicants.
Mr. Salimuddin A. Shaikh, for the Respondent.

CORAM : NITIN W. SAMBRE, J.

DATE : 25th JULY, 2022

P.C.

1. This is an application taken out by the landlord seeking compensation of Rs.3000/- per month from the date of the decree i.e. 12th August, 2013.

2. It is claimed that in the area around the place which is occupied by the non-applicant/tenant, the prevailing market rent is around Rs.25/- to Rs.30/- per sq.ft.. So as to substantiate such claim, reliance is placed on licence document of 2017-18.

3. The fact remains that in the said leave and licence agreement in 2017-18, area of 2000 sq.ft. was

rented out for rent of Rs.5000/- per month.

4. While objecting the aforesaid, counsel for respondent/occupant/tenant would urge that the premises in relation to which the leave and licence agreement is produced is in better locality and also with better amenities. He has offered to pay monthly compensation of Rs.500/- per month.

5. I have appreciated the said submissions.

6. The fact remains that the tenant is in possession of 95 sq.ft. of room in relation to which already eviction decree is passed.

7. Apart from the leave and licence agreement in relation to some different property in different location, no evidence is placed on record to justify the claim of award of compensation of Rs.3000/- per month.

8. However, having regard to the fact that the tenant has lost the litigation and is continued to occupy the same, in the light of law laid down by Apex Court in the matter of **Atma Ram Properties Vs. Federal Motors**, it will be appropriate to award compensation of Rs.1000/- per month.

9. The compensation shall be payable from 1st January, 2021. The arrears be cleared within a period of three months from today.

10. Before the end of 10th day of each English calendar month the aforesaid amount of compensation be deposited in the Thane Court where the suit was decreed.

[NITIN W. SAMBRE, J.]