

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9734 OF 2022

Prakash Laxman Futak. ... Petitioner.

V/s.

Santosh Baloba Bandgar. ... Respondent.

 Mr. Rahul S. Kadam, advocate for petitioner.

CORAM : NITIN W. SAMBRE, J.

DATE : AUGUST 12, 2022.

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PC.

1 Heard. After the Petitioner/Judgment debtor suffered an order of eviction in appeal being Appeal No. 127 of 2021, the petitioner is put to condition of deposit of amount of Rs. 10,000/- towards monthly compensation. The amount was directed to be deposited from the date of decree till the date of order i.e. 9/6/2022 and thereafter, continued to deposit on or before 10th of each English calendar month at the rate of Rs. 10,000/- per month.

2 I am informed that the amount of Rs. 10,000/- which is referred to in the order impugned based on the application Exh. 22 is erroneous as the petitioner has deposited an amount of Rs. 10,000/- towards compensation without prejudice to his right to contest the

appeal. According to him, the plaintiff/Respondent claimed compensation in the suit at the rate of Rs. 500/- per month and as such, by no stretch of imagination, the amount can be worked at Rs.10,000/- per month.

3 Having perused the copy of Exh. 22, which is produced during the course of argument and marked for identification and the fact that the Petitioner is in possession of the property which is a small piece of structure which is admeasuring at 90 sq.ft. of carpet area, it will be appropriate to direct the Petitioner until further orders to deposit an amount of Rs. 3000/- per month as against Rs. 10,000/- per month. The Petitioner shall clear the arrears as has been directed to deposit at the rate of Rs. 3,000/- per month, in any case by 12/9/2022. The amount be deposited in the pending appeal. The Petitioner shall continue to deposit the amount at the aforesaid rate on or before 10th of each calendar month. Subject to above compliance, there shall be status quo as regards the execution proceedings.

4 The Writ Petition is disposed of in the above terms.

(NITIN W. SAMBRE, J)