

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

WRIT PETITION NO.397 OF 2020

Mujibur Rehman Haji Israr Alam Siddiqui ..Petitioner
Versus
Mohammad Faiyaz Md. Hanif & Ors. ..Respondents

Mr. B. P. Pandey a/w Ridhima Mangaonkar, Aayush Tiwari &
Divya Verma i/by Vivek Pandey, for the Petitioner.
Mr. Dhananjay Rananaware, for the Respondent No.1.

CORAM : NITIN W. SAMBRE, J.

DATE : 28th JULY, 2022

P.C.

1. The petition is by the landlord seeking enhanced compensation.
2. Vide order impugned passed below Exh.6 on 31st July, 2018, the compensation for the suit premises was fixed at the rate of Rs.24,000/- per month i.e. at the rate of Rs.30/- per sq.ft.
3. Mr. B. P. Pandey, counsel for the petitioner/ landlord would invite attention of this Court to the valuation report issued by the expert. According to him, considering the location, the area, the civic amenities and the nature of business carried out by the petitioner, it was expected by the Court below, so also this Court to fix

monthly compensation at the rate of Rs.91 sq.ft. or in alternate at least Rs.50,000/- per month.

4. I have appreciated said submissions.

5. The fact remains that the premises in question is situated in a building which is more than 70 years old. The location of the premises is on the second floor, wherein neither left facility nor independent toilets are provided. Apart from above, the premises which is occupied by the respondent is in two parts i.e. mezzanine plus floor below mezzanine.

6. In the aforesaid background, in absence of any particular instance supporting the claim for award of compensation at the rate of Rs.91/- per sq.ft., in my opinion, the Court below is justified in awarding compensation of Rs.24,000/- per month.

7. As such, the petition lacks merit, same stands dismissed.

[NITIN W. SAMBRE, J.]