

Santosh

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

**INTERIM APPLICATION NO. 3345 OF 2021
IN
FIRST APPEAL (ST) NO. 16917 OF 2021**

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KULKARNI

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Sanjay Balwantraai Doshi & anr.

...Applicants/
Appellants

Versus

Asiatic Co-operative Housing Society Ltd.

...Respondent

Mr. Manindra Pandey, a/w Aayushi Chauhan, i/b
Juristechlegal & Partners, for the Applicants/Appellants.
Mr. Rajesh Jain, a/w Rohit Jain, i/b Legal Juris, for the
Respondent.

CORAM: N. J. JAMADAR, J.

DATED : 12th DECEMBER, 2022

PC:-

1. Heard the learned Counsel for the parties.
2. This application is preferred seeking reduction in the amount of compensation for unlawful occupation ordered to be paid by the appellants as a condition for stay to the execution, operation and implementation of the decree in SC Suit No.2528 of 2013.
3. By an order dated 4th October, 2021 in IA/2645/2021, this Court directed the applicants – appellants to deposit the compensation at the rate of Rs.10,000/- per month from the

date of the suit till that date and continue to deposit the compensation at the said rate, with half yearly intervals. This Court had noted that the trial court had recorded a finding that the Deed of Transfer/Release dated 20th October, 2012 was null and void and, consequently, the applicants were declared trespassers.

4. In the circumstances, having regard to the nature of finding recorded by the trial court and location of the suit premises, determination of compensation to be paid by the applicants/appellants, during the pendency of appeal, at the rate of Rs.10,000/- per month, is reasonable. No case is made out to modify the order dated 4th October, 2021.

5. Hence, the application stands rejected.

[N. J. JAMADAR, J.]