

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

WRIT PETITION NO.12053 OF 2022

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Nareshkumar Chhaganlal Rathod

..Petitioner

Versus

Messrs Haribhai B. Desai & Ors.

..Respondents

Mr. Nareshkumar C. Rathod – Petitioner in person - present.

Mr. Ashish Kamat a/w Shoma Maitra, Nazia Khan i/by Wadia Ghandy & Co., for the Respondent No.3.

CORAM : NITIN W. SAMBRE, J.

DATE : 12th OCTOBER, 2022

PC.

1. Impugned in the present petition is order dated 14th September, 2022 passed by the Appellate Bench of the Small Causes Court at Mumbai on application Exh.7. By the order impugned, the petitioner is directed to pay monthly compensation of Rs.40,000/- per month towards use and occupation of the suit premises.

2. After having heard party in person, so also Mr. Ashish Kamat, counsel appearing for the respondent/landlord, petitioner has agreed to deposit amount of compensation at the rate of Rs.25,000/- per month until further orders. A statement is made that amount of Rs.25,000/- shall be deposited to be payable from 6th May, 2022 as ordered by depositing the arrears in the Appellate Court within period of six weeks from today. Further statement is

made that he shall continue to pay amount of Rs.25,000/- per month until further orders.

3. The statement made are accepted as an undertakings to this Court.

4. In view of aforesaid statement, counsel for the landlord Mr. Ashish Kamat on instructions submits that the present petition may be disposed of.

5. As such, the petition stands disposed of by modifying the order impugned to the aforesaid extent. Rest of the conditions in the order impugned are maintained.

6. The hearing of appeal being E. Appeal No.89 of 2022 is expedited and it is directed that the appeal be finally disposed of within period of six months from today.

7. Mr. Nareshkumar Rathod, party in person assures that he shall not seek any adjournment on unreasonable ground and co-operate with the Appellate Court in maintaining time schedule fixed by this Court for disposal of the appeal.

[NITIN W. SAMBRE, J.]