

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5569 OF 2023

Chetan Anant Bhoir ...Petitioner
V/s.
Sahebrao Shivappa Bidri Decd Thru Lhrs ...Respondent

Mr. Deelip Satale i/b. Mr. Santosh Sitap for the Petitioner.
Ms. Minakshi Surve for the Respondent

CORAM : RAJESH S. PATIL, J.

DATED : 25th SEPTEMBER, 2023

P.C.:

1. This Writ Petition is filed challenging the Interim Compensation fixed by the Appellate Court of the Small Causes, thereby fixing of Rs.10,000/- as monthly compensation payable from the date of the decree i.e. 4th February, 2020 until disposal of the Appeal.

2. The Appellate Bench recorded that “Admittedly, none of the parties have produced on record any comparative instances to show the existing market rent in respect of the suit premises. Though the respondents/plaintiffs have claimed that they will lose Rs.15,000/- per month income to be derived from the suit premises, the said contentions is not supported by any documentary evidence.”

3. In view of the same, the impugned judgment and order dated 10th April, 2023 passed in below Exhibit-19 in Appeal No.51 of 2021, is quashed and set aside.
4. The parties are directed to appear before Appellate Bench and the lead their evidence in documentary form to prove the existing market rent of the suit premises.
5. The Appellate Bench to make a endeavour to dispose of Exhibit 19 within a period of one month from today.
6. All the parties to act on an authenticated copy of this order.

(RAJESH S. PATIL, J.)