



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6768 OF 2023

Zarin Irshad Moloobhai.

...Petitioner.

Versus

Sujat Gajanan Parkar and Another.

..Respondents.

Mr. Jaydeep Deo for the petitioner.
Mr. Ajit Kenjale for the respondents.

Coram : Sharmila U. Deshmukh, J.

Date : December 4, 2023.

P. C. :

1. The petition can be disposed of in view of the consensus arrived at between the parties that the impugned order dated 12th April, 2023 be quashed and set aside and the Revision Application No. 34 of 2023 be decided afresh by the appellate court only as regards the quantum of interim compensation to be paid. It is not disputed that the obstructionist is liable to pay the interim compensation after the decree of eviction has been passed and only what is disputed is the quantum of interim compensation.

2. Learned counsel appearing for the respondent submits that he be permitted to place on record material to support his case for determination of interim compensation. Learned counsel for the

applicant submits he has already placed material before the trial court.

3. In that view of the matter, the impugned order dated 12th April 2023 is hereby quashed and set aside and the appellate court is directed to decide the revision (Revision Application No.34 of 2023) only as regards the quantum of interim compensation based on the material which is produced by both the parties.

4. All contentions of both the parties as regards the quantum of interim compensation are kept open. Needless to clarify that if any application for stay is moved by respondent, the appellate court to consider the same on its own merits and in accordance with law.

[Sharmila U. Deshmukh, J.]