

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 886 OF 2022

Mr. Ravindra Tukaram Ambre	...Appellant
V/s.	
Mahesh and Company and Ors.	...Respondents

**ALONGWITH
APPEAL FROM ORDER NO. 888 OF 2022**

Mr. Pravin Chandrakant Bhatkar	...Appellant
V/s.	
Mahesh and Company and Ors.	...Respondents

**ALONGWITH
APPEAL FROM ORDER NO. 887 OF 2022**

Mr. Dattaram R. Surve	...Appellant
V/s.	
Mahesh and Company and Ors.	...Respondents

**ALONGWITH
APPEAL FROM ORDER NO. 890 OF 2022**

Smt. Smita Ramesh Chavan and anr.	...Appellants
V/s.	
Mahesh and Company and Ors.	...Respondents

**ALONGWITH
APPEAL FROM ORDER NO. 893 OF 2022**

Dattatray Tukaram Belwalkar

...Appellant

V/s.

Mahesh and Company and Ors.

...Respondents

**ALONGWITH
APPEAL FROM ORDER NO. 896 OF 2022**

Ravindra Dattaram Parab

...Appellant

V/s.

Mahesh and Company and Ors.

...Respondents

**ALONGWITH
APPEAL FROM ORDER NO. 892 OF 2022**

Mr. Chandrakant Sudam Nagvekar

And Ors.

...Appellants

V/s.

Mahesh and Company and Ors.

...Respondents

**ALONGWITH
APPEAL FROM ORDER NO. 894 OF 2022**

Mr. Arvinda Shantaram Pednekar

And anr.

...Appellants

V/s.

Mahesh and Company and Ors.

...Respondents

**ALONGWITH
APPEAL FROM ORDER NO. 889 OF 2022**

Vijaya Dattatray Belwalkar

...Appellant

V/s.
Mahesh and Company and Ors. ...Respondents

**ALONGWITH
APPEAL FROM ORDER NO. 897 OF 2022**

Vijaykumar Pandurang Ghude
And anr. ...Appellants
V/s.
Mahesh and Company and Ors. ...Respondents

**ALONGWITH
APPEAL FROM ORDER NO. 895 OF 2022**

Anthony Augustine Rodrigues and Ors. ...Appellants
V/s.
Mahesh and Company and Ors. ...Respondents

**ALONGWITH
APPEAL FROM ORDER NO. 891 OF 2022**

Mr. Pradeep Sankharam More & Ors. ...Appellants
V/s.
Mahesh and Company and Ors. ...Respondents

**WITH
INTERIM APPLICATION NO. 18092 OF 2022
IN
APPEAL FROM ORDER NO. 886 OF 2022**

Mr. Ravindra Tukaram Ambre ...Applicant/
Appellant
V/s.
Mahesh and Company and Ors. ...Respondents

Mr. Kishor Patil i/by. Matkar Rajeev Sharadkumar, for the Appellant.

Mr. Amardev Jaidev Uniyal a/w. Mr. Anand S. Oka for Respondent No.2.

Mrs. Smita Tondwalkar, for B.M.C.

CORAM : SANDEEP V. MARNE, J.

Dated : 2 November 2023.

P.C. :

1. In all these Appeals, the Appellants had challenged orders dated 5 May 2022 passed by the City Civil Court dismissing their Notices of Motion seeking direction against Defendant Nos. 1 and 2 to pay the transit rent or in the alternative to provide temporary transit accommodation. It appears that initially the Motions contained a prayer, both for payment of transit rent or in the alternative for provision of temporary transit accommodation. However, it appears that subsequently, the prayer for provision of temporary transit accommodation has been deleted from the Notice of Motion.

2. I have heard Mr. Patil, learned counsel appearing for the Appellants and Mr. Uniyal the learned counsel appearing for Defendant No. 2.

3. After arguing the Appeals for some time, Mr. Uniyal, on instructions from his client, fairly submits that Defendant No. 2 is willing to pay either transit rent or offer alternate transit accommodation to the Appellants during pendency of the suit. He

would submit that for period upto 10 July 2022, Defendant No. 2 is willing to pay transit rent at the rate of Rs. 25,854/- per month and from 11 July 2022 onwards, Defendant No.2 is willing to pay transit rent at the rate of Rs.16,000/- per month. Mr. Uniyal would further submit that various Appellants have been paid transit rent upto varying period. He would submit that the willingness to pay transit rent would be from the date the transit rent is in arrears.

4. In my view, therefore the present Appeals can be disposed of by directing the Defendant No.2 to pay to the Appellants, the transit rent as suggested by Mr. Uniyal. The Appellant shall accept the transit rent without prejudice to their rights and contentions and purely by way of interim arrangement. They would be at liberty to file such applications as would be necessary as and when the circumstances so demand. As of now, the fair statement on behalf of Defendant No.2 would ensure receipt of atleast some transit rent during pendency of the suit.

5. Accordingly, the Appeals are **disposed of** by passing the following order :

(i) Orders dated 5 May 2022 passed by the City Civil Court are set aside.

(ii) During pendency of the Suit, Defendant No.2 shall pay to the Appellants transit rent as follows :

Appeal No.893/2022

1st August 2019 to 10 July 2022 at the rate of Rs.25,854/- p.m.

From 11 July 2022 onwards @ Rs.16,000/- p.m.

Appeal No.889/2022 :

1st August 2019 to 10 July 2022 at the rate of Rs.25,854/- p.m.

From 11 July 2022 onwards @ Rs.16,000/- p.m.

Appeal No.887/2022

1st August 2019 to 10 July 2022 at the rate of Rs.25,854/- p.m.

From 11 July 2022 onwards @ Rs.16,000/- p.m.

Appeal No.892/2022

1st August 2019 to 10 July 2022 at the rate of Rs.25,854/- p.m.

From 11 July 2022 onwards @ Rs.16,000/- p.m.

Appeal No.891/2022

18 April 2020 to 10 July 2022 at the rate of Rs.25,854/- p.m.

From 11 July 2022 onwards @ Rs.16,000/- p.m.

Appeal No.896 /2022

1st August 2019 to 10 July 2022 at the rate of Rs.25,854/- p.m.

From 11 July 2022 onwards @ Rs.16,000/- p.m.

Appeal No.897/2022

1st August 2019 to 10 July 2022 at the rate of Rs.25,854/- p.m.

From 11 July 2022 onwards @ Rs.16,000/- p.m.

Appeal No.886/2022

26 August 2019 to 10 July 2022 at the rate of Rs.25,854/- p.m.

From 11 July 2022 onwards @ Rs.16,000/- p.m.

Appeal No.895/2022

18 April 2020 to 10 July 2022 at the rate of Rs.25,854/- p.m.

From 11 July 2022 onwards @ Rs.16,000/- p.m.

Appeal No.894/2022

18 April 2020 to 10 July 2022 at the rate of Rs.25,854/- p.m.

From 11 July 2022 onwards @ Rs.16,000/- p.m.

Appeal No.888/2022

11th August 2019 to 10 July 2022 at the rate of Rs.25,854/- p.m.

From 11 July 2022 onwards @ Rs.16,000/- p.m.

Appeal No.890/2022

4th August 2019 to 10 July 2022 at the rate of Rs.25,854/- p.m.

From 11 July 2022 onwards @ Rs.16,000/- p.m.

(iii)The arrears of rent till the month of November 2023 shall be paid by the Defendant No.2 to each of the Appellants within a period of

four weeks from today and the Defendant No.2 shall continue to pay the amount of rent as indicated above on fifth day of each month during the pendency of the suit.

(iv) The payment of amount of rent and acceptance thereof shall be without prejudice to the rights and contentions of the parties.

(v) Considering the nature of controversy involved in the suit, the City Civil Court is requested to expedite the hearing of the suit.

6. With the above directions, the Appeals are **disposed of**. All pending Interim Applications if any also stand disposed of.

SANDEEP V. MARNE, J.

Note: Corrections are carried out in para-3, 5(ii), 5(iii) pursuant to speaking to minutes order dated 5 December 2023.

NEETA
SHAILESH
SAWANT

Digitally
signed by
NEETA
SHAILESH
SAWANT
Date:
2023.12.19
18:29:28
+0530