

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 17933 OF 2022

WITH

INTERIM APPLICATION NO.17930 OF 2022

IN

CIVIL REVISION APPLICATION NO. 104 OF 2022

Vidyadhar Kesarchand Doshi
(since deceased) through legal heirship
1 a. Aruna Vidyadhar Doshi and Anr.

....Applicants

V/s.

Mohan Bhagawan Kakde Thr. POA
Jayashri Ashok Kakade and Ors.

....Respondents

Mr. Mandar Soman, *for the Applicants.*

Mr. Samir Kumbhakoni, *for the Respondent.*

CORAM : SANDEEP V. MARNE, J.

Date : 14 AUGUST 2024.

P.C. :

1) Interim Application is filed for fixing interim compensation in respect of the suit premises for which decree has been passed for eviction on 12 October 2015. Since decree for eviction is passed against the Revision Applicants / Defendants, they have to compensate the Plaintiffs for loss cause due to delay in execution of the decree on account of interim stay granted both by the Appellate Court as well as by this Court.

- 2) I have heard Mr. Soman the learned counsel appearing for the original Respondents / Plaintiffs and Mr. Kumbhakoni, the learned counsel appearing for original Petitioners / Defendants.
- 3) I have also considered, the valuation report as well as the instances sought to be placed on record. It appears that, the suit premises admeasure area 375 sq.ft and are located in the heart of Solapur City.
- 4) In that view of the matter, interim compensation of Rs.15,000/- per month is fixed in respect of the suit premises.
- 5) Accordingly, the Revision Applicants / Defendants shall deposit interim compensation @ Rs.15,000/- per month from 12 October 2015 till 31 October 2024 before the Trial Court on or before 31 October 2024. The Revision Applicants / Defendants shall after continue to deposit the interim compensation @ Rs.15,000/- per month on tenth day of each successive month from November 2024 till decision of the Civil Revision Application. Trial Court shall invest deposited amount in interest bearing deposits. It is clarified that, the stay granted to the execution of decree shall continue to operate only in the event of deposit of amount of interim compensation directed by this Court.
- 6) In the event, of any default on the part of the Revision Applicant in depositing the amount of interim compensation, the interim stay granted by this Court shall automatically stand vacated and the decree shall become executable.
- 7) With the above directions, Interim Application is disposed of.

[SANDEEP V. MARNE, J.]