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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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INTERIM APPLICATION NO.2885 OF 2020
IN
WRIT PETITION NO.4527 OF 2006

Harish P. Thakur

...Applicant

IN THE MATTER BETWEEN :

Harish P. Thakur

...Petitioner

V/s.

Girija Narayan

...Respondent

Mr.Prashant G. Karande with Mr.Sudam S. Patil for the
Applicant / Petitioner.

Mr.Kunjan Makwana i/b M/s.S.K. Srivastav & Co. for the
Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 1ST APRIL, 2024.

P.C. :-

1. Mr.Karande appears for the Applicant and submits that
this Interim Application is filed by the landlord / licencor for
enhancement of the monthly compensation of the suit premises
from Rs.4,000/- per month to Rs.48,000/- per month with effect

from January 2015.

2. The Writ Petition has been filed by the landlord / licensor, challenging the order passed by the Additional Commissioner, Konkan Division, Mumbai.

3. This Court has already taken view in Interim Application No.20278 of 2022 in the case of **Mrs.Anita Dominic D'Souza & Anr. vs. Shaikh Abdul Rauf** that the interim compensation payable as per **Atma Ram Properties**, reported in **(2005) 1 SCC 705** will not be applicable to the Writ Petition / Civil Revision Application and/ Appeal filed by the landlord.

4. Hence this Interim Application is rejected.

WITH
INTERIM APPLICATION NO.15900 OF 2023
IN
WRIT PETITION NO.4527 OF 2006

Girija Narayan

...Applicant

IN THE MATTER BETWEEN :

Harish P. Thakur

...Petitioner

V/s.

Girija Narayan

...Respondent

1. This Interim Application is filed by the Respondent / Licensee seeking to condone the delay of 1273 days in filing the application, thereby seeking extension of time for deposit of monthly compensation from April 2020 till filing of the Application i.e. 25 September 2023.

2. Mr.Makwana submits that as of today, the outstanding amount payable at the rate of Rs.4,000/- per month is Rs.1,68,000/-.

3. As a matter of indulgence, this Court is granting two weeks time to the original Respondent to deposit a sum of Rs.1,68,000/- in this Court without prejudice to the rights and contentions of both the parties. So also since there is a delay of more than four years in paying the amount, as was directed by this Court, by its order dated 30 August 2008, the original Respondent to pay the costs of Rs.50,000/-, to be deposited in this Court along with the sum of Rs.1,68,000/- within the period of two weeks from today.

4. As soon as this amount is deposited by the Respondent / licensee in this Court, the Petitioner / licensor is permitted to

withdraw the said amount without prejudice to the rights and contentions of both the parties. Interim Application No.15900 of 2023 stands disposed of.

WITH
WRIT PETITION NO.4527 OF 2006

Harish P. Thakur	...Petitioner
V/s.	
Girija Narayan	...Respondent

1. This Writ Petition is filed in the year 2006, by the licensor challenging the order passed by the Additional Commissioner, Konkan Division, Mumbai who had reversed the order passed by the Competent Authority. The lessee is paying a moderate amount of Rs.4,000/- per month for using the premises of about 500 sq. ft. situated at Juhu, Vile Parle Scheme, Mumbai.

2. Both the counsel agree that this matter can be disposed of on any fixed date.

3. Stand over to 23 April 2024 at 2:30 p.m.

(RAJESH S. PATIL, J.)