

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5185 OF 2024

Maya Sunil Singh & Ors.

..... Petitioners

VERSUS

Gautam Jagannath Ghadge & Ors.

..... Respondents

Mr.Sunil Kumar a/w. Mr.Rohit Upadhyay i/b. M/s.Kumar & Associates for the Petitioners.

Mr.Sanjay P. Shinde for the Respondent Nos.1 to 4.

CORAM: RAJESH S. PATIL, J.

DATE : 10 APRIL, 2024

P.C. :-

This writ petition is filed by the obstructionist nos. 1, 2 and 3 challenging an order passed by the Appellate Bench of the Small Causes Court, on order below Ex.6, in Exe. Appeal No. 9 of 2024.

2. During the pendency of the hearing of the Exe. Appeal No. 9 of 2024, the execution and operation of the impugned order dated 22 December, 2023 passed in Obstructionist Notice No.

248 of 2016 was stayed subject to the obstructionist depositing the compensation in respect of the suit premises at the rate of Rs.25,200/- for the period from 22 December, 2023 till 31 March, 2024 and continue to deposit the said amount per month and also further deposited monthly rent at the rate of Rs.300/- per month from 1 April, 2024, till the disposal of the appeal.

3. After hearing the matter for some time, without prejudice to the rights and contentions, the parties agree that the amount fixed by the Court in paragraph 2(a) should be reduced to Rs.15,000/- per month.

4. Writ petition is disposed of with following directions :-

(1) The amount as mentioned in paragraph nos.2(a) and 2(c) of the operative part of the order dated 13 March, 2024, is reduced from Rs.25,200/- to Rs.15,000/- per month. The arrears to be deposited within a period of two weeks from today.

(2) The hearing of the Exe. Appeal No. 9 of 2024 is

hereby expedited.

(3) The Appellate Bench of the Court of the Small Causes, Mumbai should make an endeavour to dispose of Exe. Appeal No. 9 of 2024 within a period of eight weeks from passing of this order.

(4) Mr.Sunil Kumar, learned counsel for the petitioners on instructions from his clients submits that his clients are in possession of the suit premises, and they will not create third party interest in the suit premises. The statements made by advocate Mr.Sunil Kumar are accepted as an undertaking to this Court.

(5) In the meantime, the obstructionists are directed not to create any third party interest in the suit premises.

5. Writ petition is disposed of accordingly.

[RAJESH S. PATIL, J.]