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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9751 OF 2019

M/S. Ish Home Pvt. Ltd.

..... Petitioner

VERSUS

Smita Sakharam Aroskar

..... Respondent

Mr. Snehal Adhangte i/b. Mr.Javed Akhtar Khan for the
Petitioner.

Mr.Tanvir Shaikh for the Respondent.

CORAM: RAJESH S. PATIL, J.

DATE : 29 APRIL, 2024

P.C. :-

This writ petition has been filed by the landlord challenging an order passed by the Appellate Bench of the Court of the Small Causes, fixing the monthly compensation, pending the appeal at the rate of Rs.5,000/- per month from the date of the decree.

2. The impugned order was passed on 8 July, 2019. The present writ petition is filed in the year 2019.

3. The impugned order is passed in view of the ratio laid down by the Supreme Court in case of ***Atma Ram Properties (P) Ltd. Vs. Federal Motors (P) Ltd., (2005) 1 SCC 705.***

4. The Appellate Bench has arrived at the finding that interim compensation should be Rs.5,000/- of the suit premises, as the suit premises is 125 sq.ft. The suit premises is in a chawl and the suit premises admittedly don't have brick walls. The suit premises is made up of tin sheet. There is admittedly no washroom in the suit premises. Hence, the Court has arrived at the figure of Rs.5,000/- per month as monthly compensation of the suit premises.

5. The photographs of the suit premises are attached at page numbers 102 till 108. I have gone through those photographs. There is no dispute that the said photographs is of the suit premises. I have also gone through the impugned order. I find no perversity in the findings recorded by the Court of the Small

Causes. There is no merit in the writ petition.

6. Writ petition is dismissed. No costs.

[RAJESH S. PATIL, J.]