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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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INTERIM APPLICATION NO.20506 OF 2022
IN
CIVIL REVISION APPLICATION NO.688 OF 2011

Hanumant G. Deshmukh ...Applicant

IN THE MATER BETWEEN :

Shantaram S. Rangle, since deceased
through His L.Rs. - Laxmi S. Rangle & Ors. ...Applicants

V/s.

Hanumant G. Deshmukh ..Respondent

Mr.Prithviraj S. Gole i/b Mr.Sandesh D. Patil for the Applicant in
IA No.20506 of 2022.

Mr.Santosh Musale for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 22ND JANUARY, 2024.

P.C. :-

1. The Civil Revision Application filed by the tenant was
admitted by the Court on 22 November 2011., Admittedly the
suit premises is 130 sq. ft. The photographs of the suit premises

is at pages 8, 9 and 10 of Interim Application No.487 of 2022.

There is no dispute on this aspect. Counsel appearing for the original tenant -Applicant in the Civil Revision Application submits that there is no electricity and water connection in the suit premises.

2. The landlord / original Respondent in the Civil Revision Application had filed Civil Application No.132 of 2017, seeking fixing of the market rent as per the ratio laid down by the Supreme Court in case of **Atma Ram Properties**, reported in **(2005) 1 SCC 705**. The said application of the landlord was allowed and the market rent at Rs.1,500/- was fixed by this Court. Both the counsel agreed that as of today, a sum of Rs.1,500/- per month has been paid by the tenant.

3. The Present Interim Application seeks enhancement of the market rent payable by the tenant from Rs.1,500/- per month to Rs.4,000/- per month. The only ground on which the enhancement is sought by the landlord is that after fixing the amount of Rs.1,500/- per month, on 7 August 2017, the same has not been enhanced. It is further submitted that considering

the increase in the valuation of the property /inflation in the market / standard of living / ailing age of the Applicant / principal loss of rent because occupation of the premises by the Respondent, interim compensation needs to be enhanced at the rate of minimum 10% or higher.

4. I have heard both the counsel and have gone through the photographs which are identified by them as that of the suit premises. For ease of reference, the scanned copy of the photographs of the suit premises at pages 8, 9 and 10 of Interim Application No.487 of 2022 are reproduced herein below :-

EXHIBIT "A"

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5. Considering the area of the suit premises, which is only 130 sq. ft. and the current status of the suit premises, and also considering the fact that Applicant does odd job, his income is too low to grant any enhancement in the present Interim Application. Hence the Interim Application is dismissed. There shall be no order as to costs.

WITH
INTERIM APPLICATION NO.487 OF 2022
IN
CIVIL REVISION APPLICATION NO.688 OF 2011

Mangesh S. Rangle

...Applicant

IN THE MATER BETWEEN :

Shantaram S. Rangle, since deceased
through His L.Rs. - Laxmi S. Rangle & Ors.
V/s.

...Applicants

Hanumant G. Deshmukh

..Respondent

1. The advocate for the Applicant / tenant has served a copy of the Interim Application on the Respondent's counsel today in Court. Counsel for the Respondent / landlord seeks two weeks time to file reply to the present Interim Application.

2. Stand over to 5 February 2024.

(RAJESH S. PATIL, J.)