

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2619 OF 2024

Malan Chandrakant More ... Petitioner

V/s.

Kamalabai Raghunathsingh Thakur &  
Ors. ... Respondents

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Mr. Soham Powar i/by Rajesh More, Advocate for the Petitioner.  
None for the Respondents.

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CORAM : RAJESH S. PATIL, J.

DATED : 27 FEBRUARY 2024

P.C.:

1. This Writ Petition challenges the impugned Order dated 13 October 2023, passed below Exhibit-5 in Regular Civil Appeal No.159 of 2022.
2. By the impugned Order the District Judge as fixed a compensation of Rs.5,000/- per month payable as compensation as per the ratio laid down by Supreme Court in the Judgment of *Atma Ram Properties Vs. Federal Motors* reported in **2005 (1) SCC 705**. The suit premises appears to be a room admeasuring 10 ft x 10 ft situated on 2 floor of a building situated at Ganesh Peth, Pune.
3. The Petitioner has faced an eviction decree however, the impugned order no reasoning is given to arrive at a figure of

Rs.5,000/- per month towards compensation.

4. In view of the same, issue notice to Respondent, returnable after four weeks. Apart from the Court notice, advocate for the Petitioner is permitted to serve the respondents by advocate's private notice by all permissible modes of service and file affidavit of service to that effect before the next date of the hearing.

5. In the meantime, till the next date of the hearing, ad-interim relief in terms of prayer clause (b). The prayer clause (b) of the Writ Petition reads as under:-

(b) Pending the hearing and final disposal of the writ petition, this Hon'ble Court be pleased to stay the execution and operation of the order dated 13/10/2023 passed by the Learned 18<sup>th</sup> District Judge, Pune on stay application below Exhibit 05 in Regular Civil Appeal No.159/2022.

6. Stand over to 26 March 2024.

***(RAJESH S. PATIL, J.)***