

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2619 OF 2024

Mrs. Malan Chandrakant More

....Petitioner

V/s.

1. Mrs. Kamalabai Raghunathsingh
Thakur and Ors.

....Respondents

Mr. Rajesh More, *for the Petitioner.*

Mr. Shardul Diwan *a/w. Mr. Rahul Kadam, for the Respondents.*

CORAM : SANDEEP V. MARNE, J.

Dated : 10 June 2024.

P.C. :

1. By this petition, the Petitioner challenges order dated 13 October 2023 passed by the District Judge-18, Pune by which while staying the operation, implementation and execution of the decree for eviction, the Appellate Court has directed the Petitioner to pay Rs.5,000/- per month towards compensation from the date of the judgment till further orders.

2. I have heard Mr. More, the learned counsel appearing for the Petitioner. He would submit that the Petitioner is a poor lady and is incapable of bearing the burden of compensation of Rs.5,000/- per month, as the rent in respect of the premises is only Rs.20.50/-. He would further

submit that considering the size of the tenanted premises, the amount of compensation fixed by the District Court is exponentially high. He would further submit that the District Court has not recorded any reasons for fixing Rs.5,000/- towards monthly compensation.

3. I have also heard Mr. Diwan, learned counsel appearing for the Respondents.

4. After having considered the submissions canvassed by the learned counsel appearing for the parties, it is seen that the tenanted premises comprises of two rooms, one Room admeasuring 10 ft x 10 ft and another room (Kitchen) admeasuring 10 ft x 4 ½ ft. The total area of the premises is 145 sq.ft. There is no dispute to the position that the Municipal Corporation has already issued notices under Sections 264(1) and 268(c) of the Maharashtra Municipal Corporation Act, 1949 in respect of the structure in which the tenanted premises are located. Considering this fact, the Trial Court has passed decree of eviction under the provisions of Section 16(1)(k) of the Maharashtra Rent Control Act, 1999. At the behest of the Petitioner, the decree has been stayed. However, Petitioner is directed to pay monthly compensation of Rs.5,000/- to the Plaintiffs. Though, ideally the District Court ought to have recorded some reasons for directing payment of Rs.5,000/- towards monthly compensation, I am not inclined to interfere in the order of the District Court on account of failure to record reasons. Considering the fact that Petitioner is permitted to occupy the premises despite passing the decree for eviction under the provisions of Section 16(1)

(k) of the Rent Act, in my view, the District Court is perfectly justified in imposing the condition of payment of monthly compensation by the Petitioner. The suit premises are located in the heart of Pune City and therefore interim compensation of Rs.5,000/- per month cannot be considered as exorbitant. No serious flaw is traced in the approach of the learned District Judge. The Writ Petition being devoid of merits is **dismissed** with no order as to costs.

5. After the order is pronounced, Mr. More would request for continuation of interim order passed by this Court on 27 February 2024. Considering the fact that the amount of compensation payable in respect of the tenanted premises is reasonable, I am not inclined to continue the interim order. The request for stay is rejected.

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[SANDEEP V. MARNE, J.]