

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (ST) NO.5926 OF 2024

Nasiruddin Bashiruddin Mattikop ... Petitioner

V/s.

The Mohammedan Education Society
Kolhapur Thr. Administrator ... Respondent

Ms. Pallavi A. Karanjkar i/b Mr. Sandeep S. Koregave Advocate for
the Petitioner.

None for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATED : 16 APRIL 2024

P.C.:

1. This Writ Petition is filed by the defendant challenging the order passed by the District Court, Kolhapur, thereby directing the defendant to pay a sum of Rs.13,534/- per month as market rate to the plaintiff from the date of the order till disposal of the appeal.

2. Mr. Koregave, submits that the present petitioner suffered an eviction decree, which was challenged by the petitioner by way of Regular Civil Appeal No.2 of 2020 before the District Court. He submits that the suit premises is admeasuring 156 sq.ft. He submits that at the most the market rate should be Rs.5,274/- per month, and the same should be directed to be deposited in the District Court, Kolhapur.

3. Issue notice to the Respondent, returnable on 11 June 2024. Apart from the Court notice, advocate for the Petitioner is permitted to serve the respondent 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.
4. In the meanwhile, the petitioner to deposit a sum of Rs.5,274/- per month as market rate before the District Court Kolhapur, without prejudice to the rights and contentions from 20 December 2023 till further orders being passed by this Court.
5. As far as arrears are concerned the same should be deposited with the District Court within a period three weeks from today.
6. Stand over to 11 June 2024.

(RAJESH S. PATIL, J.)