

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

WRIT PETITION NO. 9409 OF 2024

Mrs. Premila Keshavji Dedhia & Ors.

}*Petitioners*

: *Versus* :

Mrs. Nirmala Madhukant Dube & Anr.

}....*Respondents*

Mr. Aniruddha Sapre *a/w. Mr. Vedastu Rane, for the Petitioners.*

Mr. Pradeep Thorat *a/w. Ms. Aditi Naikare, for the Respondents.*

CORAM : SANDEEP V. MARNE, J.

Dated : 10 July 2024.

P.C. :

1) The challenge in the present petition is to the order dated 6 April 2024 passed by the Appellate Bench of the Small Causes Court fixing interim compensation of Rs.10,000/- per month to be deposited from the date of decree till the decision of the Appeal.

2) I have heard Mr. Sapre, the learned counsel appearing for the Petitioners and Mr. Thorat, learned counsel appearing for the Respondents.

3) It is seen that the suit premises are located on the 3rd Floor of the building 'Bhagirathi Niwas', Mulund West and admeasure 610 sq.ft. carpet area. It is sought to be contended by Mr.Sapre that the Structural Auditor has already recommended its vacation and pulling down. He would submit that today the condition of the building is such that no person can occupy the same and since nothing is recoverable considering the condition of the suit premises, the valuer appointed by the Petitioners determined the value of interim compensation as 'Nil'.

4) In my view, if the building in which the suit premises are located was in better condition, the amount of interim compensation for flat admeasuring 610 sq.ft would have been way higher. The Appellate Bench has determined the interim compensation at substantially low rate of Rs.10,000/- per month considering the condition of the building. In my view, therefore no interference is warranted in the order passed by the Appellate Bench. The Writ Petition is accordingly **rejected**.

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[SANDEEP V. MARNE, J.]