

2) I have heard Mr. Purohit, the learned counsel appearing for the Petitioner and Mr. Chheda, the learned counsel appearing for Respondents/Original Plaintiffs.

3) Perusal of the order passed by the Appellate Bench would indicate that it has rejected both the valuation reports relied upon by the Plaintiffs and Defendants. The suit premises is a residential flat admeasuring 1000 sq.ft carpet area located at Mori Road, Mahim, Mumbai. It appears that the Plaintiff's valuer assessed the rent in respect of the suit premises at Rs.1,66,150/- by considering the market value of the flat at Rs.2.95 crores and applying the rate of return of 7.75% p.a. On the contrary, the valuer of the Defendant/Petitioner has assessed the rent in respect of the suit premises at Rs.13,333/- per month. In my view, the Appellate Bench has rightly rejected both the valuation reports as the valuation by the Plaintiffs valuer is astronomically high, whereas, the one relied upon by the Petitioner-Defendant is extremely low.

4) No doubt the condition of the building in which the suit premises are located, does not appear to be too healthy. It is a 63 year old building and appears to be not maintained well. This appears to be the reason why it is slightly difficult to go by the valuation in respect of the nearby premises in Mahim locality for the purpose of deciding the interim compensation payable in respect of the suit premises. It is urged that Defendant is a 71 year old lady who needs to take care of her special child who is located at Peru and is required to travel quite often. Mr. Purohit would submit that the Defendant does not have any income of her own and

the amount of interim compensation fixed by the Appellate Bench is so oppressive that failure on the part of the Defendant to deposit the same would result in denial of remedy of Appeal to her.

5) Though I do not find any grave error in determination of interim compensation by the Appellate Bench, considering the facts and circumstances where the building does not appear to be maintained too well, as well as the capacity of the Defendant to pay interim compensation, in my view, ends of justice would meet if interim compensation of Rs.50,000/- per month are fixed in respect of the suit premises.

6) Accordingly, the order dated 15 June 2024 shall stand modified only to the extent of reduction of interim monthly compensation from Rs.60,000/- to Rs.50,000/- per month. The rest of the order of the Appellate Bench shall remain undisturbed. The Petitioner-Defendant shall deposit the arrears of interim compensation from the date of the decree in three equal installments on 10 August 2024, 10 September 2024 and 10 October 2024 and shall also continue to deposit the interim compensation of each succeeding month on the tenth day of each month.

7) With the above directions, the Writ Petition is **disposed of**.

[SANDEEP V. MARNE, J.]

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