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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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CIVIL REVISION APPLICATION NO.261 OF 2024

Shabana N. Baig

...Applicant

V/s.

Sabir Mohd. Farooq & Ors.

...Respondents

Ms.Heena Mustaq Ahmed for the Applicant.

CORAM : RAJESH S. PATIL, J.

DATE : 23RD APRIL, 2024.

P.C. :-

1. This Civil Revision Application challenges the order passed by the Appellate Bench of the Court of Small Causes, Mumbai, thereby fixing compensation at the rate of Rs.12,000/- per month from the date of decree, while granting stay to the execution of the Trial Court decree, as per the ratio laid down by the Supreme Court in the judgment of **Atma Ram Properties, (P) Ltd. vs. Federal Motors (P) Ltd.** reported in **(2005) 1 SCC 705.**

2. Ms.Ahmed submits that the suit premises is a slum

premises, hence Maharashtra Rent Control Act will not be applicable to the suit premises. She submits that while arriving at a figure of Rs.12,000/- per month, the Appellate Bench of the Court of Small Causes, Mumbai, in paragraph 15 of the impugned order have come to a conclusion that the valuation report on record is that a copy of the ready reckoner. It is further held that in absence of evidence on record on the basis of work, monthly compensation is fixed at Rs.12,000/-.

3. Issue notice to the Respondents, returnable on 18 June 2024. Apart from the Court notice, the Applicant is permitted to serve the Respondents by advocate's private notice by all permissible modes of service and file affidavit of service before the returnable date.

4. In the meanwhile, there will be *ad-interim* relief in terms of prayer clause (iv) till the next date of hearing. Prayer clause (iv) of the Civil Revision application reads as under :-

“(iv). That pending the hearing and final disposal of this Revision the Respondents jointly and severally be restrained by an order and injunction of this Hon’ble Court from dispossessing the petitioner from the suit

premises without following due process of law.”

(RAJESH S. PATIL, J.)