

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO.737 OF 2024

IN

CIVIL REVISION APPLICATION NO. 31 OF 2021

Jiten Ratilal Kalidas & Anr. ...Applicants

Versus

Pratapsingh Chabildas Patel & Ors. ...Respondents

WITH

INTERIM APPLICATION (ST) NO.19525 OF 2024

IN

CIVIL REVISION APPLICATION NO. 31 OF 2021

Pratapsingh Chabildas Patel & Ors. ...Applicants

Versus

Jiten Ratilal Kalidas & Anr. ...Respondents

Sean Wassoodew a/w Ashna Shah, Advocate for Applicants.
Mr. Ramdas Hake-Patil for Respondents.

CORAM: MADHAV J. JAMDAR, J.

DATED : 13th JANUARY 2025

P.C.:

1. The Interim Application No.737 of 2024 has been filed by the Applicant-tenant seeking reduction of the compensation of Rs.7,000/- per month fixed by the learned Single Judge by Order

dated 12th October 2023 passed in Civil Revision Application No. 31 of 2021 to Rs.1,720/- per month

2. In the Interim Application (St.) No. 19525 of 2024 which has been filed by the Respondents-landlord, prayer is sought to enhance the compensation fixed by the learned Single Judge at Rs.7,000/- to Rs.10,000/- per month.

3. The tenant has relied on valuation report of Valuer- Sanjay E. Joshi wherein it has been stated that a fair market value of the suit premises being Room No.18, Chabildas Bhulabhai Patel Chawl, Kol Dungri, Teli Galli, Cross Road, Andheri (East), Mumbai – 400 069 is Rs.5,90,000/- and therefore per month rent is arrived at Rs.1,720/-.

4. Mr. Wassoodew, learned Counsel appearing for the Applicant strongly relies on said valuation report as well as Order dated 7th February 2020 passed by a learned Single Judge in Writ Petition No. 10401 of 2019, by which an amount of Rs.2,100/- per month towards interim compensation has been fixed during pendency of Appeal No. 37 of 2018 pending before the Appellate Court of Small

Causes Court. It is the submission of Mr. Wassoodew, learned Counsel that the suit premises which are subject matter of Writ Petition No.10401 of 2019 are in the same chawl as that of the suit premises.

5. On the other hand, Mr. Ramdas Hake-Patil, learned Counsel appearing for the landlord has relied on the valuation report of Valuer- M. Valuer and Surveyor and Associates. As per the said valuation report, rent per month is concluded as Rs.9,720/- per month. In the said valuation report, on page '6', the details of the suit premises are given. The same reads as under :

“The Room has of 162 Sq. Ft. area. Subject property is about 1 mtr. away from N.S. Phadke marg & 700 mtrs. away from W.E. Highway, 0.5 kms. away from the Sahar Road and within 200 mtrs. from the Telli Galli Cross Road Main Road. Andheri East Railway Station is about 300 Mtrs away from the subject property”.

6. Thus, what is relevant to note is that the suit premises is 162 sq. ft., the same is about 300 mtrs. away from Andheri (East) Railway Station and also very near from Western Express Highway and from Sahar Road. Thus, it is clear that the suit premises is well connected and in prominent locality as it is near Andheri Railway Station, Mumbai.

7. Mr. Hake-Patil, learned Counsel appearing for the Respondent also relies on the Order dated 2nd September 2015 passed by a learned Single Judge in Civil Revision Application No.399 of 2015, by which compensation of Rs.10,000/- per month has been fixed as reasonable compensation with respect to premises in same chawl. In fact, the learned Single Judge while arriving at compensation of Rs.7,000/- per month, has assumed the area of suit premises of only 100 sq. feet, and in fact the same is 162 sq. feet. Thus, it is clear that the compensation of Rs.7,000/- per month fixed by learned Single Judge by Order dated 12th October 2023 is just and reasonable.

8. Mr. Sean Wassoodew, learned Counsel relied on the Order dated 7th February 2020 passed by a learned Single Judge by which rent has been fixed at the rate of Rs.2,100/- per month for a room admeasuring 175 sq. feet in the same chawl. However, in the said Order, only valuation report submitted on behalf of the Tenant is considered. In this case, the landlord has also filed valuation report, which has been referred hereinabove.

9. In the facts and circumstances of the case, as the suit premises is 162 sq. feet and is just near Andheri Railway Station, no case is made out for reduction of the compensation.

10. As far as Interim Application filed by the landlord is also concerned, no case is made out for enhancement of compensation.

11. Accordingly, both the Interim Applications are dismissed, however, with no order as to costs.

BHALCHANDRA
GOPAL
DUSANE

(MADHAV J. JAMDAR, J.)

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