

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
INTERIM APPLICATION NO.9994 OF 2024
IN
CIVIL REVISION APPLICATION NO.616 OF 2019

Sadanand Bhikaji Ghate	...Applicant
<u>IN THE MATTER BETWEEN:</u>	
Kunju Kunju Joy	...Applicant
<i>Versus</i>	
Sadanand Bhikaji Ghate	...Respondent

Mr. B. K. Raje, for the Applicant in IA/9994/2024.
Mr. S. R. Ganbavale, for the Applicant in CRA/616/2019.

CORAM: MADHAV J. JAMDAR, J.
DATED : 17th MARCH 2025

P. C.:

1. Heard Mr. Raje, learned Counsel appearing for the Applicant and Mr. Ganbavale, learned Counsel appearing for the Respondent.
2. By order dated 5th October 2023, a learned Single Judge has admitted the Civil Revision Application along with companion Civil Revision Applications and kept the same for final hearing on 28th November 2023 and stayed the decree of eviction. However, due to

paucity of time, Civil Revision Applications could not be taken up for final hearing.

3. In this Interim Application, the Applicant has sought the following reliefs:

“(a) The Applicants/Defendants in Civil Revision Application No.616 of 2019 be ordered and directed to deposit Rs.8,31,254/- for the period from 4/5/2012 till 30/6/2024.

“(b) The Applicants/Defendants in Civil Revision Application No.616 of 2019 be ordered and directed to pay Rs.6,732/- per month from 1st July, 2024 during the pendency of Civil Revision Application.”

4. However, Mr. Raje, learned Counsel appearing for the Applicant i.e. Respondent in Civil Revision Application submitted that an amount of Rs.7,500/- per month be fixed as compensation. Mr. Raje, learned Counsel further submits that although the learned Single Judge has fixed compensation of similar premises in the year 2011 as Rs.5,000/- per month, a fair and reasonable compensation of Rs.7,500/- be fixed.

5. On the other hand, it is the submission of Mr. Ganbavale, learned Counsel appearing for the original Applicant in Civil

Revision Application that there is serious dispute whether the Respondent is landlord. He submitted that with respect to the same chawl, in some other proceeding initiated by the present Respondent against another tenant, a finding is recorded that the Respondent is not the landlord and the same is subjudice before this Court. He further submitted that by the notice dated 2nd September 2024 sent to another tenant, Mr. Sadashiv Dalvi, rent of Rs.400/- has been demanded by the present Respondent. He submits that the Applicant is paying rent to the original landlord. Therefore, he submitted that either no compensation be fixed or even if it is fixed, the same shall not exceed Rs.400/-.

6. Perusal of the record shows that, by considering the said submission that there is serious dispute about the claim of the Respondent as landlord, this Civil Revision Application has been admitted along with other companion Civil Revision Applications and stay of eviction decree has been granted. However, the compensation is not fixed as the learned Single Judge has fixed the final hearing of this Civil Revision Application along with companion Civil Revision Applications immediately. However, even after a period of about 1 & 1/2 years, the final hearing is not

possible. As the Civil Revision Application is of the year 2019, it will not be possible to take up the Civil Revision Application immediately for final hearing as on final hearing board, the matters of the year 2000 or even earlier years are also appearing for final hearing. However, in the facts and circumstances of this case and by taking into consideration overall circumstances on record, an amount of Rs.5,000/- per month is fixed as compensation. The said compensation is to be deposited in this Court on or before 10th day of each succeeding month. As far as arrears of compensation are concerned, the same be deposited within a period of eight months from today.

7. The Interim Application is disposed of in above terms with no order as to costs.

8. Liberty is granted to the parties to file Application for fixing date of hearing.

[MADHAV J. JAMDAR, J.]

SONALI
MILIND
PATIL
Digitally
signed by
SONALI
MILIND
PATIL
Date:
2025.03.18
12:00:53
+0530