

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

**INTERIM APPLICATION NO.16114 OF 2024
IN
CIVIL REVISION APPLICATION NO.223 OF 2024**

Abhijit Vishwas Phanse ...Applicant
Versus
Sahyadri Sahakari Bank Ltd. & Ors. ...Respondents

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Mr. Parag Mishra a/w Niraj Tripathi, Advocate for Applicant.
Mr. Harish Pawar a/w Rudra Kanekar, Advocate for Respondent
No.1.

Mr. Kunal Bhanage a/w Akshay Pawar, Priyanka Acharya for
Respondent Nos. 2(a) to 2(c) and 3.

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CORAM : RAJESH S. PATIL, J.

DATED : APRIL 30, 2025

P.C.:

1. The learned advocate for the applicant submits that this interim application is filed in a disposed-of civil revision application, the issue raised is with regard to the possession of the suit premises and the compensation payable by the tenant (bank).

2. After hearing arguments, the applicant has agreed that, as regards the possession of the suit premises is concerned, the issue has already been addressed by Order passed in AO No. 554 of 2024 dated 14 December 2024.

3. as far as the issue of compensation payable, Mr. Bhangae, the learned advocate appearing on behalf of the mother, brother, and sister of the present applicant, upon instructions, submits that the

compensation amount payable by the bank to the family is Rs.1,20,000/- per month, as per the order dated 30 April 2024.

4. The bank has not vacated the premises, since the present applicant filed an application to set aside the order dated 30 April 2024, which had recorded the minutes of the order submitted by the parties in the civil revision application.

5. It is submitted that, considering the present applicant-Abhijit Phanse is the son of Vishwas Pendse, he has $\frac{1}{4}$ share in the estate of Vishwas Phanse, he would at the most, be entitled to a $\frac{1}{8}$ share from the monthly compensation of Rs.1,20,000/-, since 50% share is held by uncle of applicant.

6. It is further submitted that, as partition suit has already been filed by the applicant before the City Civil Court, without prejudice to the rights and contentions of the parties. The applicant is at liberty to make an appropriate application in the said suit, where the present respondent can appear and make their submissions.

7. In view of the above, this interim application stands disposed of. The issue of possession has been addressed in Order dated 14 December 2024. As far as the compensation issue is concerned, since the partition suit is pending before the City Civil Court, Mumbai and there is no dispute regarding the compensation amount as mentioned in the Order

dated 30 April 2024 in Civil Revision Application No. 223 of 2024, the applicant is at liberty to prefer appropriate application before the City Civil Court at Mumbai.

(RAJESH S. PATIL, J.)