

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.801 OF 2025

Nilima Nitin Pawaskar & Ors.

...Petitioners

Versus

M/s Ish Homes Private Limited

...Respondent

Mr. Atmaram Patade a/w Shikha Raniwala, Pranav Manjrekar, Suraj Naik, Aryaa Shirodkar & Aditya Patil i/b Atmaram Patade, for the Petitioners.

Mr. Khan Javed Akhtar, for the Respondent.

CORAM: MADHAV J. JAMDAR, J.

DATED: 20 JANUARY 2025

P.C.:

1. Heard Mr. Atmaram Patade, learned Counsel appearing for the Petitioners and Mr. Khan Javed Akhtar, learned Counsel appearing for the Respondent.

2. The challenge in this Writ Petition filed under Article 227 of the Constitution of India is to the order dated 9th November 2024 passed by the learned Appellate Bench of Small Causes Court at Bombay in Appeal No.139 of 2024. By the impugned Order dated 9th November 2024, the learned Appellate Bench of the Small Causes Court directed that the compensation at the rate of Rs.35,000/- per month be deposited in respect of the suit premises from the date of the decree

i.e. 6th July 2024, till the disposal of the Appeal.

3. It is the submission of Mr. Atmaram Patade, learned Counsel appearing for the Petitioners that on the basis of material on record, no case is made out for fixing Rs.35,000/- per months as compensation. He relied on the photographs and submitted that the suit premises are in completely dilapidated condition.

4. Learned Counsel for the Respondent submitted that the learned Single Judge in another matter with respect to another premises in the same Chawl has fixed the compensation in the same range. However, learned Counsel for the Petitioners points out photographs which are at Page Nos.25 to 32 and submits that the suit premises are in completely dilapidated condition and the same admeasures 314 sq.ft..

5. Mr. Khan Javed Akhtar, learned Counsel for the Respondent submits that the compensation fixed is reasonable, however the Respondent is more interested in expeditious hearing of the Appeal. He states that a reasonable compensation be fixed by this Court.

6. Accordingly, by taking into consideration various aspects of the matter, the Petitioner shall deposit rent at the rate of Rs.15,000/- per month before the Executing Court w.e.f. 1st February 2025 onwards. The impugned order dated 9th November 2024 is modified to the said extent.

7. In the facts and circumstances of this case, the learned Appellate

Court of the Small Causes Court, Mumbai is requested to decide the said Appeal No.139 of 2024 expeditiously.

[MADHAV J. JAMDAR, J.]