

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12767 OF 2025

Radhika Anil Swami

...Petitioner

Versus

Prashant Vishnukant Kamaji

...Respondent

Mr. J. D. Khairnar i/b. Mr. Vikas Shivarkar, for the Petitioner.
Mr. Prashant Vishnukant Kamaji, the Respondent present in-person.

CORAM: MADHAV J. JAMDAR, J.
DATED : 8th OCTOBER 2025

PC:-

1. Heard Mr. Khairnar, learned Counsel appearing for the Petitioner and Mr. Prashant Kamaji, the Respondent, who appears in-person.

2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the order dated 17th February 2025 passed by the learned District Judge-12, Pune below Exhibits-20 and 23. By the said order dated 17th February 2022, as condition of stay of eviction decree passed under the provisions of the Maharashtra Rent Control Act, 1999, an amount

of Rs.5,000/- per month has been fixed as compensation in terms of the law laid by the Supreme Court in the case of *Atma Ram Properties (P) Ltd. vs. Federal Motors (P) Ltd.*¹.

3. It is the submission of Mr. Khairnar, learned Counsel appearing for the Petitioner that exorbitant amount has been fixed by the Court. He therefore, submits that the interference in the impugned order is warranted.

4. Perusal of the record shows that the Respondent/Plaintiff has sought Rs.35,000/- per month by way of compensation. Learned District Judge has fixed an amount of Rs.5,000/- per month. The suit property is a servant quarter, i.e. admeasuring 10x12 ft. room on the ground floor in bungalow bearing 467, Ambedkar Road, Kirkee, Pune. The suit premises are in Cantonment area. Considering the over all circumstances on record, Rs.5,000/- fixed by way of compensation to be paid during the pendency of the Appeal challenging the eviction decree passed under the provisions of the Maharashtra Rent Control Act, 1999 cannot be considered as exorbitant. In fact, the same is reasonable.

1 (2005) 1 SCC 705

5. Thus, no interference in the impugned order is warranted under Article 227 of the Constitution of India. Accordingly, the Writ Petition is dismissed, however, with no order as to costs.

[MADHAV J. JAMDAR, J.]

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