

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15599 OF 2025

Ramgopal Bhagwandas Choudhary
Since Deceased Through Lrs & Ors.

...Petitioners

Versus

Dinesh Purshottam Kapadia & Ors.

...Respondents

WITH

WRIT PETITION NO.15697 OF 2025

Rajendra Bhagwandas Choudhary & Ors.

...Petitioners

Versus

Dinesh Purshottam Kapadia & Ors.

...Respondents

Mr. Simil Purohit, Senior Counsel a/w Mayank Bagla a/w Alok
Bagla i/b Bagla & Associates, for the Petitioners.

Mr. Jamsheed Master i/b Natasha Bhot, for the Respondents.

CORAM: MADHAV J. JAMDAR, J.

DATED : 18th DECEMBER 2025

PC:-

1. Heard Mr. Purohit, learned Counsel appearing for the
Petitioners and Mr. Master, learned Counsel appearing for the
Respondents.

2. In Writ Petition No.15599 of 2025 the challenge is to the
legality and validity of the order dated 07th October 2025 passed
by the learned Appellate Bench of the Small Causes Court at

Mumbai below Exhibit-8 in Appeal No.24 of 2025 in R.A.E. and R. Suit No.1067/1742 of 2007 by which Rs.5,000/- per month has been directed to be paid as interim compensation. In Writ Petition No.15697 of 2025 the challenge is to the legality and validity of the order dated 07th October 2025 passed by the learned Appellate Bench of the Small Causes Court at Mumbai below Exhibit-8 in Appeal No.25 of 2025 in R.A.E. and R. Suit No.1066/1741 of 2007 by which Rs.10,000/- per month has been directed to be paid as interim compensation.

3. By the said impugned orders in both these Writ Petitions, *inter allia*, stay has been granted by the Appellate Bench to the execution of the eviction decree passed by the learned Trial Court on the condition that the Petitioner deposits an amount of Rs.5,000/- per month (in WP/15599/2025) and Rs.10,000/- per month (in WP/15697/2025).

4. Mr. Purohit, learned Senior Counsel appearing for the Petitioners after arguing both these Writ Petitions for some time states that as Municipal Corporation of Greater Mumbai has declared the subject building as dangerous and dilapidated

building, the Petitioners will deposit the said amount till the commencement of demolition of the subject building. Learned Senior Counsel submits that if such modification is granted he has instructions not to press these Writ Petitions. However, learned Senior Counsel submits that the impugned orders be modified to the said extent.

5. Mr. Master, learned Counsel appearing for the Respondents, on instructions, submits that the Respondents have no objection for the said modification.

6. Accordingly, by consent both the Writ Petitions are partly allowed. Although the impugned orders passed in both the Writ Petitions are confirmed, it is clarified that the said deposit of Rs.5,000/- and Rs.10,000/- respectively shall be made in the Small Causes Court, Mumbai pursuant to the impugned orders till the MCGM/MHADA Authorities commences the demolition of the subject building.

7. Mr. Purohit, learned Senior Counsel, on instructions states that the arrears which are to be deposited in terms of the

impugned orders will be deposited within a period of 8 weeks from today.

8. Accordingly, the Writ Petitions are disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]