



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2939/2025

Ramrao Mohan Zade .Vs. Chhaya Suresh Nimsarkar and Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. I. Haque, Advocate for petitioner.

CORAM : **ANIL L. PANSARE, J.**

DATE : **JUNE 13, 2025**

Heard.

2. Challenge is to order dated 07.01.2025, passed below Exh.5 in Regular Civil Appeal No.85/2024, thereby directing the petitioner-tenant to deposit Rs.10,400/- per month towards occupation charges from the date of decree till disposal of the appeal.

3. Having heard counsel for petitioner and having gone through impugned judgment, it appears that the First Appellate Court has referred to the certificate issued by an Architect-cum-Surveyor-cum-Valuer, which indicates that the valuation of the property has been fixed on the basis of ready reckoner. Accordingly, the value of the property under question was found to be around Rs.31,00,000/-. The Court further noted that the petitioner – original appellant has not adduced any evidence to counter valuation report. Accordingly, the valuation report has been taken into consideration and 4% of the value of property is held to be reasonable amount per annum as occupation charges and accordingly directed the petitioner to pay Rs.10,400/- per month. The Appellate Court has referred to judgment passed by this Court in **Anilkumar Raghuveerprasad Khare Vs. M/s. Pragati Printers, Writ Petition No.5573/2017**, wherein, in similar facts, this Court has directed the petitioner to pay 4% of the market value as occupation charges.

4. That being so, I do not find any perversity in the impugned order to interfere in supervisory jurisdiction of this Court under Article 227 of the Constitution of India. The writ petition is dismissed. No order as to costs.

(Anil L. Pansare, J.)

Kahale