



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.18923 OF 2024

Balkrishna Bhagoji Rahate

...Petitioner

V/s.

M/s. Narrondass Manordass

...Respondent

Mr. Jamsheed Master with *Mr. Mangesh D. Chavan & Ms. Prashansa Jain*
for the Petitioner.

Mr. Pradeep J. Thorat with *Ms. Anu Ravi Khanna* for the Respondent.

CORAM: SANDEEP V. MARNE, J.

DATED: 16 APRIL 2026.

P.C.:

1) In this Petition the Petitioner has challenged order dated 21 October 2024 passed by the Appellate Bench of the Small Causes Court allowing the Revision Application No.95of 2024 filed by the Plaintiff and directing the Petitioner-Defendant to deposit the interim compensation @ Rs.7,000/- per month under Order XV-A of the Code of Civil Procedure, 1908 (**the Code**).

2) I have heard Mr. Master, the learned counsel appearing for the Petitioner and Mr. Thorat, the learned counsel appearing for the Respondent.

3) It appears that the Petitioner has raised a defence that his father was tenant in respect of the suit premises. However, the written statement seeks to disconnect the employment from tenancy and the Petitioner has denied relationship of employer-employee between the Plaintiff and Petitioner's father in paragraph 13 of the written statement. However, when it came to fixing interim compensation under Order XV-A of the Code, the Petitioner relied on alleged salary slips for the months of May-1986, August-1986 and June-1986 indicating deduction of Rs.5/- towards rent. There appears to be inconsistency between defence taken in the written statement and reliance by the Defendant on the alleged salary slips.

4) Considering the above circumstances and particularly the main defence of the Petitioner-Defendant that there is no connection between employment and tenancy, the Appellate Court, as of now has not believed the defence of tenancy. Following the judgment of this Court in *Apsara Development Corporation V/s. Rafiq Siddique*¹ the Appellate Court has proceeded to fix the interim compensation @ Rs.7,000/- per month.

5) However, it is seen that in similar case involving premises in the same chawl (*SEE: Omprakash Jamuna Singh & Anr. V/s. The Sonawala Company Private Limited*)² this Court has reduced the quantum of compensation from Rs.7,000/- to Rs.5,000/-. In my view, therefore,

1 Writ Petition No.1038 of 2022 decided on 11 January 2024.

2 Writ Petition No.5922 of 2024 decided on 26 November 2024

similar course of action needs to be followed in the present case as well. To this limited extent only the impugned order requires modification.

6) I accordingly proceed to pass the following order:-

- (i) Writ Petition succeeds partly.
- (ii) Order dated 21 October 2024 passed by the Appellate Bench in Revision Application No.95 of 2024 is modified to the limited extent of reduction of quantum of interim compensation from Rs.7,000/- to Rs.5,000/- per month. Arrears of interim compensation shall be deposited by the Petitioner in the Trial Court within a period of 12 weeks. Rest of the order remains undisturbed.
- (iii) The contention of the Petitioner/Defendant that his father was the tenant in respect of the suit premises is left open to be decided at the time of final decision of the Suit.

7) With the above directions, the Writ Petition is **disposed of**.

[SANDEEP V. MARNE, J.]