

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.261 OF 2024
WITH
INTERIM APPLICATION NO.7985 OF 2024

Shabana Nazir Baig	<i>Versus</i>	...Applicant
Sabir Mohammed Farooq & Ors.		...Respondents

Mr. Vinayak R. Kumbhar, for the Applicant.

CORAM: MADHAV J. JAMDAR, J.
DATED : 13th JANUARY 2026

PC:-

1. The challenge in this Civil Revision Application is to the legality and validity of the order dated 17th February 2024 passed by the learned Appellate Bench of the Small Causes Court, Mumbai below Exhibit-6 in Appeal No.131 of 2023 in R.A.E. Suit No.719 of 2013. By the impugned order dated 17th February 2024, the learned Appellate Court has fixed an amount of Rs.12,000/- per month as compensation in terms of the law laid down by the Supreme Court in the case of *Atma Ram Properties (P) Ltd. vs. Federal Motors (P) Ltd.*¹ The learned Appellate Court has observed that although the Respondents have filed Valuation Report,

1 (2005) 1 SCC 705

however, the Applicant has not produced any material to arrive at rate of compensation which the Application is required to be directed to deposit as condition of stay.

2. Mr. Kumbhar, learned Counsel appearing for the Applicant fairly submits that at that time as no material was there, the same was not produced. However, Mr. Kumbhar, learned Counsel now relies on Leave and License Agreement dated 9th December 2025 and submits that amount of Rs.6,000/- are the Leave and License charges with respect to the room which is in the same locality as that of the suit premises. He therefore, seeks withdrawal of the Civil Revision Application with liberty to approach the learned Appellate Court by filing Review Application.

3. Accordingly, the Civil Revision Application is allowed to be withdrawn and disposed of with liberty as sought.

4. It is clarified that all contentions of both the parties are expressly kept open.

5. In view of the disposal of the Civil Revision Application, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]