

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1860 OF 2026

Yashwant Jagannath Bheru *alias* Khopade & Anr. ...Petitioners

Versus

Shobhana Tilak Shah & Ors. ...Respondents

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Mr. Abhay Parab, for the Petitioners.

Mr. Shravan M. Vyas, for the Respondents.

CORAM: MADHAV J. JAMDAR, J.
DATED: 16 FEBRUARY 2026

P.C.:

1. Heard Mr. Parab, learned Counsel appearing for the Petitioners and Mr. Vyas, learned Counsel appearing for the Respondents.
2. By the present Writ Petition filed under Article 227 of the Constitution of India, the challenge is to the legality and validity of the Order dated 6th January 2026 passed by the learned Appellate Bench of the Small Causes Court at Mumbai, below Exhibit-7 in Appeal No.122 of 2025 in RAE Suit No.42/72 of 2009.
3. By the impugned Order, as a condition of stay of the eviction decree passed in RAE Suit No.42/72 of 2009 during the pendency of the said Appeal, the Petitioners have been directed to pay an amount of Rs.22,500/- per month as interim compensation.

4. It is the submission of Mr. Parab, learned Counsel for the Petitioners, that the suit building is in dilapidated condition and that, in fact, a notice has been issued by Mumbai Building Repairs And Reconstruction Board, Mumbai. Learned Counsel further submits that the suit premises do not have washroom facility and a common facility is provided.

5. On the other hand, Mr. Vyas, learned Counsel for the Respondents relied on the Agreement of Tenancy dated 17th November 2023 (Pages 27-33) and submitted that although the agreed rent as per the said Agreement regarding another premises admeasuring 111 sq. feet (Carpet) in the said building was only Rs.400/-, the Landlord has accepted a premium amount of Rs.30,00,000/-.

6. However, both the learned Counsel, after arguing the matter for some time, on instructions, submit that the Writ Petition be disposed of by consent by passing following Order:

7. Accordingly, by consent of the parties, the following Order is passed :-

- i. Order dated 6th January 2026 passed by the learned Appellate Bench of the Small Causes Court at Mumbai below Exhibit-7 in Appeal No.122 of 2025 in RAE Suit No.42/72 of 2009 is confirmed subject to modification that the Petitioners shall deposit a sum of Rs.12,500/- per month as interim

compensation instead of Rs.22,500/- as directed by the learned Appellate Court.

- ii.** The arrears shall be paid on or before 30th April 2026.
 - iii.** The first monthly deposit of Rs.12,500/- shall be made on or before 10th March 2026.
 - iv.** It is clarified that, the impugned Order dated 6th January 2026 is confirmed, subject to the above modification.
 - v.** The time to comply with other directions as contained in the Order dated 6th January 2026 also stands extended for a period of 30 days from today.
- 8.** The Writ Petition is disposed of in above terms with no order as to costs.

[MADHAV J. JAMDAR, J.]