



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.361 OF 2023

M/s. Chandulal and Co. and Ors. ...Applicants

Versus

Madhavsinh Jamnadas Kapadia ...Respondent

...

Mr. Chirag Balsara i/b. Mr. Ravi Kumar Mishra with Mr. Ayaz Ahmed Ansari for the Applicants.

Mr. Shravan M. Vyas for the Respondent.

CORAM: SMT. ANUJA PRABHUDESSAI, J.

DATED: 6th SEPTEMBER, 2023.

P. C. :-

1. The Applicants-tenants have impugned Judgment dated 04/10/2022 passed by the Appellate Bench of the Small Causes Court, Mumbai in Appeal (2A) No.77 of 2019 in R.A.E. Suit No.707/1060 of 2014. By the impugned Judgment the Appellate Court has allowed the appeal, set aside the judgment of the Trial Court in RAE Suit No.707/1060 of 2014. Consequently the Appellate Court decreed the suit and directed the Applicant to handover vacant and peaceful possession of the suit premises i.e. Shop No.6 Ground floor, Old Hira Building, 10/12, 1st Parsiwada lane, C.P. Tank, Mumbai- 400 004, within three months from the date of the order.

2. The suit has been decreed mainly on the ground of non-user of the suit premises and subletting. Learned counsel for the Applicant states that the Applicant has deposited the rent before the Small Causes Court, Mumbai, till the month of December-2022. He states that in the event the Applicant has not deposited the rent he shall deposit the same before the Small Causes Court within a period of two weeks at the rate of Rs.850/- per month and that the Applicant shall continue depositing the rent of Rs.850/- on the fifth day of every month till the disposal of the appeal. Learned counsel for the Applicant has no objection if the Respondent-owner withdraws the arrears of the rent as well as monthly rent of Rs.850/- per month.

3. The suit premises are commercial premises, situated at Girgaon. With consent of the respective parties interim compensation is fixed at Rs.15,000/- per month from 04/10/2022. Learned counsel for the Applicant states that the arrears of interim compensation will be deposited before the Small Causes Court within three weeks and that the Applicant shall continue to deposit the interim compensation of Rs.15,000/- per month on 5th day of every month until further orders.

4. The interim compensation deposited by the Applicant shall be invested in any Nationalised Bank under the Fixed Deposits for two years.
5. In the light of the aforesaid statement, execution and implementation of the impugned order is stayed till the next date hearing.
6. Stand over to **04/10/2023**.

(SMT. ANUJA PRABHUDESSAI, J.)