

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 17 OF 2017

Hemant s/o Vishnu Lingade

Applicant

Versus

Jayant Narayan Maathe
& others

Respondents

Ms. N.R. Suryawanshi, advocate for applicant.
Mr. K.C. Sant, advocate for respondents 1 to 7.

CORAM : M.S. SONAK, J.
DATE : 22nd JANUARY, 2018

PER COURT:

1. Heard.
2. Rule.
3. There shall be interim relief in terms of prayer clause 'C' subject to the following conditions :

A) Applicant shall either pay or deposit in this Court arrears of rent at the rate of Rs.500/- per month upto 31st January, 2018, within a period of six weeks from today.

B) Applicant, with effect from 1st February, 2018, shall pay or deposit compensation amount at the rate of

Rs.1,500/- per month on or before the tenth day of each succeeding month.

C) The applicant shall file an undertaking before this Court that he shall not transfer, alienate or part with possession of the suit premises during the pendency of this revision application.

4. Determination of Rs.1,500/- per month as compensation is in terms of decision of the Hon'ble Supreme Court in the case of **State of Maharashtra & another Vs. Super Max International Pvt. Ltd. & others**, (2009) 9 SCC 772; and **Atma Ram Properties (P) Ltd Vs. Federal Motors (P) Ltd.**, (2005) 1 SCC 705. There is no dispute that the suit premises comprises one room admeasuring 12 X 12 ft. and is used for residential purpose.

5. Learned counsel for applicant has stated that applicant will have no objection to respondent-landlord withdrawing compensation amount and therefore, direction is made to either pay directly to respondent-landlord or deposit in this Court so that, respondent-landlord can withdraw the same. Such withdrawal shall however, abide by final order in the revision application.

6. In case of three consecutive defaults or four non-consecutive defaults in the matter of payment of reasonable compensation, this interim order shall be liable to be vacated.

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7. In addition to the arrears/compensation, applicant undertakes to bear the expenditure towards municipal taxes and water charges.

(M.S. SONAK, J.)

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