

ITEM NO.55

COURT NO.11

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.12102/2020

(Arising out of impugned final judgment and order dated 17-01-2020 in CA No. 381/2016 passed by the High Court of Judicature at Bombay)

KHADIJA AHMEDI & ANR.

Petitioner(s)

VERSUS

MYRON PEREIRA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.103634/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 05-12-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s)

Mr. Anand Grover, Sr. Adv.

Ms. Shreya Munoth, Adv.

Ms. Asawari Sodhi, Adv.

Ms. Anannya Ghosh, AOR

For Respondent(s)

Mr. Aniruddha Joshi, Adv.

Mr. Shashibhushan P. Adgaonkar, AOR

Mr. Omkar Jayant Deshpande, Adv.

Mrs. Pradnya S.Adgaonkar, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Application seeking exemption from filing certified copy of the impugned Order is allowed.

The petitioners – tenants filed Civil Revision Application No.373/2012 in the High Court of Judicature at Bombay against the Order of eviction relating to subject-property where they are running a Restaurant.

The Respondents - landlords moved Civil Application No.381/2016 for fixing monthly compensation at the market rate of Rs.2,65,000/-. The said application has been allowed in part vide impugned Order dated 17-01-2020 whereby the High Court has fixed monthly compensation at the rate of Rs.1,50,000/- and the petitioners - tenants have been directed to clear arrears of compensation from 29-01-2004 till 31-1-2020 within a period of six months and further to continue to pay monthly compensation of Rs.1,50,000/- on or before 10th day of every calendar month.

Taking notice of the hardships being faced by the petitioners, especially due to Covid 19 and post pandemic conditions, this Court vide an interim Order dated 16-08-2022 directed that the interim Order dated 17-01-2020 passed by the High Court shall remain stayed, subject to the petitioners depositing a sum of Rs.50,000/- per month. It is stated that petitioners have started paying compensation from the month of August, 2022 onwards.

We have heard learned Senior counsel appearing on behalf of the petitioners - tenants and learned counsel appearing on behalf of the respondents - landlords and perused the record.

We are satisfied that equity will be well balanced by directing the petitioners - tenants to pay the arrears of compensation at a tentative cost of Rs.50,000/- per month from the date of registration of C.A. No.381/2016 till July, 2022. The arrears of interim compensation shall be deposited by the petitioners in three equal instalments within a period of six months.

The High Court is requested to take up the Civil Revision Application No.373/2012, subject to other prioritized and part-heard matters and make an endeavour to decide the same within a year.

It is clarified that we have not expressed any views on the merits of the case. Subject to the petitioners - tenants continue to pay monthly compensation at the rate of Rs.50,000/- and arrears

of such interim compensation as directed above, the interim stay against dispossession from the subject-property shall continue to operate.

The Special Leave Petition is disposed of in above terms.

Pending applications, if any, shall also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
COURT MASTER (NSH)