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

CIVIL REVISION APPLICATION NO. 169 OF 2007

1. Kiran Manmath Anavekar
Since Deceased Thr. L.H.R.
- 1a) Jyoti @ Chhaya Kiran Anavekar
R/o. At 2199, A. Ward, Rankala Vesh Kolhapur
- 1b) Kumar Mithilesh @ Onkar Kiran Anavkar
age about 7 yrs.
Through Minor Guardian Petitioner
Nos.1(a) as natural guardian R/o. 2199, A
ward, Rankala Vesh Kolhapur
2. Anjali Pradeep Pol,
Age/35 years, occ : Household
3. Janhavi Jayant Shirodkar
Age/31 yrs. Occ: Household
All R/o. 2199, A Ward, Rankala Vesh,
Kolhapur

... Applicants

Versus

Shrikant Yadneshwar Sapre
Age/47 yrs. Occ : Well to do R/o. 2199, A-
Ward Rankalavesh Kolhapur

... Respondent

Mr. Rahul Walvekar for the Applicants.

Mr. Vishwanath Talkute with Mr. Mahesh Bhosale, Sampada Patil
and Shivaji K. for the Respondent.

CORAM : ASHWIN D. BHOBE, J.

DATED : SEPTEMBER 3, 2026

ORAL JUDGEMENT :-

1. Heard Mr. Rahul Walvekar, learned Advocate for the Applicants, and Mr. Vishwanath Talkute, learned Advocate for the Respondent.

2. By this Revision Application, the Applicants have sought the following reliefs:

“a) This Hon’ble Court be pleased to call for record and proceedings and after examining the legality and validity thereof, be pleased to quash and set aside Judgment and decree dated 6/7/2005 passed by the learned Civil Judge Junior Division, Kolhapur, in Regular Civil Suit No.1105/2002 (Exhibit “C” to this Petition) as confirmed by the Judgement and decree dated 3/2/2007 passed by learned Adhoc District Judge-2, Kolhapur, in Civil Appeal No.295/2005 (Exhibit “E” to this Petition).

b) This Hon’ble Court be pleased to dismiss Regular Civil Suit No.1105/2002 filed before the court of learned Civil Judge Junior Division, Kolhapur, with costs throughout.”

3. Reference to the Order/s passed in this Revision Application being necessary, the same are reproduced hereinbelow:-

a. Order dated 17th August 2026:-

“1. Heard Mr. Rahul Walvekar, learned Advocate for the Applicants and Mr. Vishwanath Talkute, learned Advocate for the Respondent.

2. After having heard the matter for sometime, and this Court having shown its disinclination, Mr. Rahul Walvekar, learned Advocate for the Applicants, on instructions from the Applicants, submits that the

Applicants request for three months time to vacate the suit premises. He submits that the Applicants would abide by all the conditions and give an undertaking that they shall vacate the suit premises on or before 1st November, 2026.

3. For the purpose of filing an undertaking, Mr. Rahul Walvekar, learned Advocate for the Applicants, request for listing of the present Application on 20th August, 2026.

4. Considering his request, list this matter on 20th August, 2026.”

b. Order dated 21st August 2026:-

“1. Mr. Shantanu Patil, learned Advocate for the Applicants request for time till Monday i.e. 24th August 2026. He seeks leave to file the affidavit undertaking of the Applicants, in the Registry.

2. Leave granted.

3. Mr. Shantanu Patil, learned Advocate for the Applicants states that the affidavit will be filed in the Registry today itself.

4. At the request of Mr. Shantanu Patil, learned Advocate for the Applicants and by consent of the parties, list on 24th August 2026.”

c. Order dated 28th August 2026:-

“1. Mr. Rahul Walvekar, learned Advocate for the Applicant, requests for time till 01.09.2026 to file Affidavit / Affidavit undertaking of the Applicant, in the Registry of this Court.

2. The request made by Mr. Rahul Walvekar, learned Advocate for the Applicant is not opposed by Mr. Vishwanath Talkute, learned Advocate for the Respondent.

3. At the request of Mr. Rahul Walvekar, learned Advocate for the Applicant, this matter is adjourned to 03.09.2026.

4. Affidavit / Affidavit undertaking of the Applicant be filed in the Registry of this Court on or before 01.09.2026.”

4. Today, Mr. Rahul Walvekar, learned Advocate for the Applicants,

submits that Applicant No. 1 has passed away. He further submits that although the legal heirs have been brought on record, they are not in contact with the Applicants or with him. On instructions from Applicant Nos. 2 and 3, he states that the legal representatives of the late Kiran Manmath Anavekar (Applicant Nos. 1(a) and 1(b)) do not reside in the suit premises and have no interest or right therein. To clarify, he states that they have not resided in the suit premises since the filing of this Revision Application.

5. Mr. Rahul Walvekar, learned Advocate for the Applicants, states that Applicant Nos. 2 and 3 are present in Court and he identifies them. He tenders affidavit undertakings dated 20th August 2026 of Anjali Pradeep Pol (Applicant No. 2), Pradeep Dinkar Pol, the husband of Applicant No. 2, Jhanavi Jayvant Shirodkar (Applicant No. 3) and Shivtej Jayvant Shirodkar, the son of Applicant No. 3.

6. Anjali Pradeep Pol and Jhanavi Jayvant Shirodkar state that the affidavit undertakings dated 20th August 2026 are filed by them of their own free will, without any coercion from any person and that the contents are as per their say. The affidavit undertakings dated 20th August 2026 are taken on record and marked with “X” for identification. The contents of the undertaking (‘X’) are reproduced verbatim:

“UNDERTAKING ON BEHALF OF ALL THE APPLICANTS

I, **Anjali Pradeep Pol**, adult, Indian inhabitant, being one of the Applicants and representing **all the Applicants** in the above matter, having address at, do hereby solemnly affirm and undertake as follows:

1. I state that I am one of the Applicants in the above Civil Revision Application and am competent and authorised to submit this undertaking on behalf of the Applicants.

2. I state that on **17th August, 2026**, this Honble Court recorded the submission made by the learned Advocate for the Applicants, on instructions from the Applicants, that the Applicants sought three months' time to vacate the suit premises and would abide by the conditions imposed by this Hon'ble Court.

3. In compliance with the order dated **17th August, 2026**, the Applicants hereby undertake that they shall vacate **and hand over peaceful, vacant and physical possession of the suit premises to the Respondent on or before 1st December, 2026**.

4. The Applicants undertake that, until they vacate and hand over possession of the suit premises, they shall not: a. induct, permit or accommodate any third person in the suit premises;

b. create any tenancy, licence, lease, sub-lease, mortgage, charge, lien or other encumbrance in respect of the suit premises;

c. assign, transfer or part with possession of the suit premises, wholly or partly; or

d. create or claim any third-party right, title, interest of equity in respect of the suit property.

5. The Applicants state and undertake that, as on the date of filing of this undertaking, **only the following four adults are residing in the suit premises:**

1. Anjali Pradeep Pol

2. Pradeep Dinkar Pol

3. Jhanavi Jayvant Shirodkar

4. Shivtej Jayvant Shirodkar

6. The Applicants undertake that, until the date on which possession is handed over to the Respondent, they shall ensure that no person other than the aforesaid four adults is inducted into, permitted to reside in, or given possession of any part of the suit premises.

7. The Applicants undertake to pay and clear all charges relating to the amenities and utilities consumed or payable in respect of the suit premises during the period of their occupation, including: a. all outstanding and future **electricity charges/light bills**;
- b. all outstanding and future **water charges/water bills**; and
- c. all other charges, dues and arrears payable in respect of the amenities and utilities of the suit premises.
8. The Applicants further undertake that **all remaining arrears and outstanding dues relating to the suit premises upto 1st of November**, including the arrears of electricity/light bills, water bills and other amenity or utility charges, shall be paid and cleared by the Applicants before handing over possession of the suit premises to the Respondent.
9. The Applicants state that the legal heirs of Applicant no. 1 and other legal heirs and Applicants have left the premises long back and are not staying in the premises.
10. The Applicants shall preserve the receipts and payment acknowledgements in respect of such payments and shall produce the same before this Hon'ble Court or furnish copies thereof to the Respondent, if so directed.
11. The Applicants undertake to maintain the suit premises in its present condition, subject to normal wear and tear, and shall not carry out any permanent alteration, addition or structural change therein without the prior permission of this Hon'ble Court.
12. The Applicants further undertake that, at the time of vacating the suit premises, they shall remove their personal belongings and hand over the premises in a peaceful and reasonably clean condition, together with the available keys, meters and other items pertaining to the premises.
13. The Applicants undertake that they shall not obstruct or cause obstruction to the Respondent's lawful rights in respect of the suit property and shall comply with all directions passed by this Hon'ble Court in the above proceedings.
14. The Applicants state that this undertaking is voluntarily given to this Hon'ble Court and shall be binding upon all the Applicants, their legal representatives, heirs, successors and all persons claiming through or under them.
15. The Applicants understand that any breach of this undertaking shall render them liable for appropriate action in accordance with law, including proceedings for breach of the undertaking given to this Hon'ble Court.

16. The Applicants therefore respectfully pray that this Hon' ble Court may be pleased to take the present undertaking on record.”

7. Mr. Rahul Walvekar, learned Advocate for the Applicant, tenders an affidavit undertaking dated 20th August 2026 of Siddhesh Jaywant Shirodkar, the son of Applicant No. 3. Mr. Rahul Walvekar, learned Advocate for the Applicant, states that though Siddhesh Jaywant Shirodkar does not reside in the suit premises, the Applicant Nos. 2 and 3 intend to place on record the undertaking of Siddhesh Jaywant Shirodkar. The same is taken on record and marked with “**X-1**” for identification. The contents of the undertaking 'X-1' are reproduced in verbatim:

“UNDERTAKING ON BEHALF OF ALL THE APPLICANTS

I, Siddhesh Jaywant Shirodkar, adult, Indian inhabitant, being one of the Applicant in the above matter, having address at, do hereby solemnly affirm and undertake as follows:

1. I state that I am one of the Applicants in the above Civil Revision Application and am competent and authorised to submit this undertaking on behalf of the Applicants.
2. I state that on **17th August, 2026**, this Hon'ble Court recorded the submission made by the learned Advocate for the Applicants, on instructions from the Applicants, that the Applicants sought three months' time to vacate the suit premises and would abide by the conditions imposed by this Hon'ble Court.
3. In compliance with the order dated **17th August, 2026**, the Applicants hereby undertake that they shall vacate **and hand over peaceful, vacant and physical possession of the suit premises to the Respondent on or before 1st December, 2026.**
4. The Applicants undertake that, until they vacate and hand over possession of the suit premises, they shall not: a. induct, permit or accommodate any third person in the suit premises;

- b. create any tenancy, licence, lease, sub-lease, mortgage, charge, lien or other encumbrance in respect of the suit premises;
- c. assign, transfer or part with possession of the suit premises, wholly Or partly;
- d. create or claim any third-party right, title, interest or equity in respect of the suit property.

5. The Applicants state and undertake that, as on the date of filing of this undertaking, **only the following four adults are residing in the suit premises:**

- 1. Anjali Pradeep Pol
- 2. Pradeep Dinkar Pol
- 3. Jhanavi Jayvant Shirodkar
- 4. Shivtej Jayvant Shirodkar
- 5. Siddhesh Jaywant Shirodkar

6. The Applicants undertake that, until the date on which possession is handed over to the Respondent, they shall ensure that no person other than the aforesaid four adults is inducted into, permitted to reside in, or given possession of any part of the suit premises.

7. The Applicants undertake to pay and clear all charges relating to the amenities and utilities consumed or payable in respect of the suit premises during the period of their occupation, including: a. all outstanding and future **electricity charges/light bills;**

b. all outstanding and future **water charges/water bills;** and

c. all other charges, dues and arrears payable in respect of the amenities and utilities of the suit premises.

8. The Applicants further undertake that **all remaining arrears and outstanding dues relating to the suit premises upto 1st of December**, including the arrears of electricity/light bills, water bills and other amenity or utility charges, shall be paid and cleared by the Applicants before handing over possession of the suit premises to the Respondent.

9. The Applicants state that the legal heirs of Applicant no. 1 and other legal heirs and Applicants have left the premises long back and are not staying in the premises.

10. The Applicants shall preserve the receipts and payment acknowledgements in respect of such payments and shall produce the same before this Hon'ble Court or furnish copies thereof to the Respondent, if so directed.

11. The Applicants undertake to maintain the suit premises in its present condition, subject to normal wear and tear, and shall not carry out any permanent alteration, addition or structural change therein without the prior permission of this Hon'ble Court.

12. The Applicants further undertake that, at the time of vacating the suit premises, they shall remove their personal belongings and hand over the premises in a peaceful and reasonably clean condition, together with the available keys, meters and other items pertaining to the premises.

13. The Applicants undertake that they shall not obstruct or cause obstruction to the Respondent's lawful rights in respect of the suit property and shall comply with all directions passed by this Hon'ble Court in the above proceedings.

14. The Applicants state that this undertaking is voluntarily given to this Hon'ble Court and shall be binding upon all the Applicants, their legal representatives, heirs, successors and all persons claiming through or under them.

15. The Applicants understand that any breach of this undertaking shall render them liable for appropriate action in accordance with law, including proceedings for breach of the undertaking given to this Hon'ble Court.

16. The Applicants therefore respectfully pray that this Hon' ble Court may be pleased to take the present undertaking on record.”

8. Mr. Rahul Walvekar, learned Advocate for the Applicants, states that the Applicants have undertaken to vacate the suit premises on or before 1st December 2026. He further states that the statements made by Applicant Nos. 2 and 3, Pradeep Dinkar Pol, Shivtej Jayvant Shirodkar and Siddhesh Jaywant Shirodkar, be accepted as undertakings to the Court. The statements made by the Applicant Nos. 2 and 3 and their family members in the undertakings “X” and “X-1” are accepted as undertakings to the Court.

9. Mr. Vishwanath Talkute, learned Advocate for the Respondent

(Landlord), states that he is satisfied with the undertakings given by Applicant Nos. 2 and 3 and their family members.

10. In view of the above, the eviction of the Applicants ordered by the Judgment and Order dated 06.07.2005 passed by the 3rd Joint Civil Judge, Junior Division, Kolhapur, in Regular Civil Suit No. 1105 of 2002, is maintained. Civil Revision Application No. 169 of 2007 is disposed of by granting time to Applicant Nos. 2 and 3 to vacate the suit premises on or before 1st December 2026. The Applicants are directed to vacate and hand over possession of the suit premises to the Respondent on or before 1st December 2026.

11. Mr. Vishwanath Talkute, learned Advocate for the Respondent, states that the Execution proceedings filed by the Respondent are at the stage of execution of the warrant of possession. He further states that in view of the disposal of this Revision Application and the undertakings given by the Applicants, the warrant of possession would remain in abeyance till 1st December 2026.

12. Mr. Vishwanath Talkute, learned Advocate for the Respondent, states that the Respondent was depositing the compensation in respect of the suit premises before the Executing Court. He further states that the Respondent is entitled to withdraw the said amount and will apply for withdrawal. Mr.

Rahul Walvekar, learned Advocate for the Applicant, hereby gives his no objection to the withdrawal of the said amount. If the Respondent makes an Application seeking withdrawal of the said compensation deposited by the Applicant, the Application be allowed.

13. Civil Revision Application No. 169 of 2007 is disposed of in the above terms. No order as to costs.

(ASHWIN D. BHOBE, J.)