

IN THE HIGH COURT OF BOMBAY AT GOA

SECOND APPEAL NO. 115 OF 2013

MR. SAYED IMAM HUSSAIN AND ANR., ... Appellants
Versus
SMT. ZINA MASCARENHAS AND ANR., ... Respondents

Mr. Videsh Naik holding for Mr. Parag S. Rao, Advocate for the appellants.
Mr. Winnie Coutinho, Advocate for the respondents.

Coram:- N. M. JAMDAR, J.

Date:- 3rd March, 2015

P.C.

After arguing for some time the learned counsel for the appellants had sought time to take instructions whether appellants are willing to vacate the premises and to file an undertaking and not pursue the appeal. The learned counsel for the appellants states that the appellant is present and on his instructions he states that one and half years time may be granted to vacate the premises. The learned counsel for the respondents submits that one year's time will suffice.

2. Considering the facts and circumstances, time is granted to the appellants to vacate the premises till 31 May 2016. On 1 June 2016 the appellants will hand over the vacant and peaceful possession of the premises in question to the respondents. The appellant will file an undertaking of adult members of the family on affidavit to that effect. In the undertaking the appellants shall also specify that they will not

create third party interest in the suit property till the possession is handed over.

3. This indulgence shown on the statement made by the learned counsel for the appellants on instructions that requisite undertaking will be filed within two weeks from today and its copy will be given to the respondents. If no such undertaking filed within two weeks, the judgment and decree will become executable forthwith.

4. The appeal is accordingly disposed of as withdrawn.

N. M. JAMDAR, J.

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