

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

CIVIL REVN. APPLICATION NO. 36 OF 2015

M/s.Shriram Sindh & Co.
through its proprietor
Shri Narayandas C. Gurnani
(since deceased through his L.Rs.)
Shri Haresh N. Gurnani

... Applicant

v/s

Shri Babulal Bhagirath Sarda
(since deceased through L.Rs.)
Smt. Kamala Babulal Sarda & ors.

... Respondents

Mr.S.G. Deshmukh along with S.P. Kanuga i/by Sapna Nath for the applicant.

Mr.Sagar Agarkar for the respondents.

CORAM: NITIN M. JAMDAR, J.

DATED : 18TH MARCH, 2015

P.C.:

After arguing the matter for some time, the learned counsel for the applicant seeks leave to withdraw the revision application and prays that reasonable time to vacate the premises be granted to the applicant. The learned counsel for the applicant submits that, at least 2 to 3 years' time may be granted since the applicant is running the shops for the last 40 to 50 years and will take some

time to relocate. Learned counsel for the respondents states that he is not averse to the grant of time to vacate the premises. Learned advocate for the applicant, on instructions, submits that at the most one year's time be granted.

2. Considering the fact that the petitioners are in long standing occupation and of four shops, one and half year's time to vacate the premises would be in the interest of justice, as the litigation is being concluded finally by withdrawal of the revision application.

3. Accordingly, the revision application is disposed of as withdrawn.

4. Considering the facts and circumstances of the case, it is directed that the possession of the applicant will be protected for a period of one and half year i.e. upto 16 September 2016 on the condition that on 17 September 2016 the applicant and/or his all the family members residing with him, will hand over peaceful and vacant possession of the premises to the respondent. This is, however, subject to the applicant and/or the adult family members residing with him file usual undertakings in this Court within a period of three weeks from today stating that they will hand over the possession on 17 September 2016 and they will not create any third party rights in the property or part with the possession. If the undertaking/s is/are not filed within a period of three weeks from

today as directed, the impugned order and decree shall become executable forthwith.

5. The application is disposed of as withdrawn.

(NITIN M. JAMDAR, J.)