

FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 2529 OF 2015
IN
WRIT PETITION NO. 6290 OF 2014
Prabhakar V. Karmarkar
vs.
Madan M. Karnawat

Office Notes, Office
memorandum of Coram,
appearance, Court's
orders or directions &
Registrar's orders.

Court's or
Judge's orders.

Mr. Jaydeep Deo for the Applicant.
Ms Gauri Godse for Respondent

CORAM : M. S. SONAK, J.
DATE : 02 SEPTEMBER 2015.

P.C. :-

- 1] Not on board. Upon production, taken on board.
- 2] Heard learned counsel for the parties.
- 3] By this Civil Application, the tenant, whose eviction has been ordered and confirmed by the order dated 28 July 2015 seeks some time before which he can hand over possession of the suit premises to the landlord.
- 4] In the Civil Application, the tenant has made a solemn statement that he does not desire to take recourse against the judgment and order dated 28 July 2015 before

the Hon'ble Apex Court. The tenant prays for two years time to vacate the suit premises.

5] In the facts and circumstances of the present case, there is no question of grant of two years time. However, time can be granted for vacating the suit premises upto 31 march 2016. This will obviously be subject to following conditions:

a] The tenant and adult family members to file an Undertaking before this Court within a period of two weeks from today that they are in possession of the suit premises and that they shall not create any third party rights therein or part with possession thereof;

b] The tenant shall clear the arrears at the rate of Rs.3900/- per year (if not already deposited);

c] The Registrar of the Small Causes Court, Pune or any other suitable Officer nominated by the Chief Judge of the Small Causes Court, Pune, is appointed as Court Receiver to forthwith take symbolic possession of the suit premises. If, on or before 31 March 2016, the tenant does not hand over the vacant and peaceful possession of the suit premises to the landlord, the Court Receiver is directed to take physical possession of the suit premises, if necessary with the assistance of the police to hand over the same to the landlord;

d] The tenant shall bear the necessary expenses in relation to the appointment of the Court Receiver and the Court Receiver's charges.

6] Civil Application is disposed of in aforesaid terms.

7] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)

CERTIFICATE

“I certify that this Order uploaded is a true and correct copy of original signed Order.”

Uploaded by : Dinesh S. Sherla
Personal Assistant to the
Hon'ble Mr. Justice M.S. Sonak
Uploaded on : 03/09/2015