

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.38 OF 2015
IN
CONTEMPT PETITION NO.174 OF 2015
IN
CIVIL REVISION APPLICATION NO.517 OF 2013

1. Bai Janabai Alibhoy (Deceased)	]	
1(a) Karim Abdulla Merchant,	]	
1(b) Akhtar Abdul Hussein Kantawalla,	]	
2. Abdul Mohammed Alibhoy.	]	... Petitioners

Versus

1. Basant Radhakishan Singh,	]	
2. Nagendra Radhakishan Singh,	]	
3. Lalchand Radhakishan Singh,	]	
4. Smt. Karamraji Radhakishan Singh,	]	
5. Ramraj Dairy Farm,	]	
6. Rachna Travels,	]	
7. Ramraj Singh.	]	... Respondents

Aditi N. h/f Mr. P. J. Thorat for Petitioners.

Mr. A. H. Khatri i/b Khatri Legal Venture for Respondents.

CORAM :- M. S. SONAK, J.

DATE :- SEPTEMBER 22, 2015

P. C. :-

1. **Not on board. Upon production, taken on board.**

2. The Special Leave Petition against the order made by this Court on 19/12/2013 upholding the eviction order was dismissed by the Hon'ble Apex Court on 12/03/2014. However, three months' time

was granted to the Petitioners to vacate the suit premises on filing the usual undertaking.

3. The Petitioners neither filed the usual undertaking nor vacated the suit premises. Therefore, the landlords were constrained to take out Contempt Petition No.174 of 2015.

4. In the Contempt Petition, the Petitioners filed undertaking stating that they will hand over the vacant and peaceful possession of the suit premises to the landlords within a period of four weeks and in the meantime, they shall not create any third party interest or part with possession of the suit premises. The period of four weeks expires on 23/09/2015.

5. Today, this Civil Application is moved seeking extension of time to vacate the suit premises on the spacious plea that the Applicants (tenants) have, on 17/09/2015, filed a Review Petition before the Hon'ble Apex Court seeking review of the order dated 12/03/2014, by which the very Special Leave Petition was dismissed.

6. Apart from the conduct of the Applicants (tenants), now that Review Petition has been filed before the Hon'ble Apex Court, it will not be appropriate to entertain the present Civil Application or grant any extension of time. Accordingly, this Civil Application is dismissed.

(M. S. SONAK, J.)

CERTIFICATE

Certified to be true and correct copy of the original signed
Order.