

Sequeira

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

WRIT PETITION NO. 9617 OF 2014.

Smt.Matabai Bhagawan Gangavane & ors. .. Petitioners
Vs.
Mr.Shankar Rajabali Chauhan & anr. .. Respondents

Mr.Pramod Bhosle i/b Ms.Kavita PShinde, for Petitioners.
Mr.R.D.Misra, for Respondents.

***CORAM: N.M.Jamdar, J.
Monday 6 April, 2015***

Oral Order :

The learned counsel for the Petitioners after arguing the matter for some time, on instructions states that if three years time is granted to vacate the premises, the Petitioners will not pursue the present Writ petition as well as the R.A.D Suit No.1236 of 2013 filed in the Small Causes Court, Mumbai.

2 The learned counsel for the Respondents states that the Petitioners be directed to file requisite undertakings. Accordingly, the Writ Petition stands dismissed as withdrawn. The statement of the Petitioners that the Petitioners will withdraw the R.A.D No.1236 of 2013 is accepted. It is open to the Petitioners or the Respondents to place copy of this order before the learned Judge,

Small Causes Court, for passing necessary orders as regards the withdrawal of the suit.

3 It is directed that the possession of the Petitioners be protected till 1 April 2018. It is on the statement of the learned counsel for the Petitioners that the Petitioners alone are in occupation. The Petitioners shall file usual undertaking in this Court within period of three weeks from today which undertaking inter-alia will include that the Petitioners will not create third party rights in the suit premises and will hand over vacant and peaceful possession of the property on 2 April 2018 to the Respondents. The Petitioners shall continue paying the amount of compensation as already directed, till the date they hand over the vacant and peaceful possession of the property. The Petitioners shall pay the compensation to the Respondents directly and if the Respondents do not accept the same then deposit it in the Small Causes Court with a permission to the Respondents to withdraw the same.

(N.M.Jamdar, J.)