

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 636 OF 2015
IN
CIVIL REVISION APPLICATION NO.766 OF 2014**

Mrs. Juanita Ashok Ubale	..Applicant
Vs.	
Mr. Raj Chopra & Anr.	..Respondents

**WITH
CIVIL APPLICATION NO.616 OF 2015
IN
CIVIL REVISION APPLICATION NO.766 OF 2014**

Mr. Raj Chopra	..Applicant
Vs.	
Junita Ashok Ubale	..Respondent

Ms Jui Nerurkar for the Applicant in Civil Application No.636 of 2015 and for the Respondent in Civil Application No.616 of 2015

Mr. B. R. Dalal for the Respondents in Civil Application No.636 of 2015 and for the Applicant in Civil Application No.616 of 2015

**CORAM : R. M. SAVANT, J.
DATE : 11th DECEMBER, 2015**

P.C.

1 The above Civil Application has been filed seeking extension of time to vacate the premises in question. Time to vacate has been stipulated by the order dated 13-10-2015 which has been passed by a Learned Single Judge of this Court (M.S. Sonak, J.) whilst dismissing the above Civil Revision Application. The above Civil Application had come for hearing on 8-1-2015 on which day this Court had observed that it is inclined to extend the time up to

4-1-2016 subject to the compliance of the conditions which have been mentioned in the order passed on the said day.

2 In compliance thereof, the Applicant Juanita Ubale, her son Pritam Ubale and her daughter-in-law Harini Ubale have filed separate undertakings in this Court which are dated 10-12-2015. In so far as Pritam and Harini are concerned, they have stated in paragraph 2 that it is only the Applicant who is in possession of the suit premises. It is further stated that they would not sublet or assign or transfer or part with possession of the suit premises or create any third party interest or right in the suit premises and to hand over the same on the expiry of the stay granted by this Court. In the undertaking of Juanita Ubale it is stated that she is solely in possession of the suit premises and thereafter she has stated on the same lines as her son and daughter in law who have filed the undertakings.

3 The Learned Counsel for the Applicant also points out that the Applicant has deposited an amount of Rs.60,000/- which is the amount of mense profits up to December 2015. The Learned Counsel for the Applicant has tendered a cheque for the balance of Rs.20,000/- to make up the amount of Rs.40,000/- as directed by this Court by order dated 8-12-2015. The said cheque is handed over to the Learned Counsel for the Respondent No.1 in view of the fact that there is now compliance of the directions as contained in the

said order dated 8-12-2015 in the matter of furnishing the undertakings and also in making payment of the sum of Rs.40,000/- up to 5-1-2016, the stay granted by this Court by order dated 13-10-2015 would accordingly stand extended up to 5-1-2016. The Applicant would not apply for extension nor would any further extension be granted. The amount which has been deposited by the Applicant of Rs.60,000/- is allowed to be withdrawn by the Respondent No.1. The Respondent No.1 would be entitled to apply for withdrawal of the amount which is lying in deposit in the Small Causes Court, which is apart from the amount of Rs.60,000/-. The Civil Application is accordingly disposed of.

4 In view of the order passed in the above Civil Application, Civil Application No.616 of 2015 filed by the Respondents has turned infructuous and is disposed of as such.

[R.M.SAVANT, J]