

THE HON'BLE SRI JUSTICE DILIP B.BHOSALE

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SECOND APPEAL No.169 of 2015

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P.C:

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Heard learned counsel for the parties.

Learned counsel for the appellant does not press this appeal on merits and seeks time to vacate the suit premises till the end of July, 2015. Though learned counsel appearing for the respondent-decree holder was reluctant to give consent for extension of time to vacate the suit premises, he submitted that if at all this Court is inclined to grant extension, it should be on the appellant furnishing undertaking to this Court.

Having considered the submissions made by learned counsel for the appellant, I am satisfied that this appeal can be disposed of by the following order:

“Second appeal is dismissed. The appellant is granted time till the end of July, 2015 to vacate the suit premises on his furnishing undertaking to this Court stating that he shall handover vacant and peaceful possession of the suit premises on or before 15.07.2015 and till then, he shall not create any third party rights therein or part with possession thereof. It is needless to mention that the appellant shall file undertaking, as aforementioned, within a period of fifteen days from today with an advance copy thereof to the Advocate for the respondent. If the appellant fails to file undertaking, as aforementioned, it would be open to the respondent to execute the decree forthwith and if necessary, with the police-aid. The undertaking that will be filed by the appellant in

pursuance of this order shall stand accepted on the date of furnishing the same. It is needless to mention that if the appellant is in arrears of any rent, he shall deposit the same on or before 15.05.2015, failing which it would be open to the respondent to execute the decree.”

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B.BHOSALE,J

Dt:01.05.2015

kdl

