

HON'BLE SRI JUSTICE DILIP B. BHOSALE

SECOND APPEAL No. 216 OF 2015

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PC:

Learned counsel for the appellant submits that he has instructions not to press this appeal on merits and he seeks time to the appellant to vacate the premises till the end of December, 2015. Learned counsel appearing for the respondent – decree holder submits that if the Court is inclined to grant him time, it may be granted subject to payment of arrears of rent at the rate of Rs.7,500/- per month from April, 2011, with further direction to pay the rent at the same rate till he vacates the suit premises, subject to outcome of the enquiry into mesne profits.

Learned counsel for the appellant submits that the appellant is ready to pay the entire arrears at the rate, as aforementioned, and shall also keep paying the rent at the same rate till the end of December, 2015, subject to his right to contest the enquiry into mesne profits.

In view of the submissions of the learned counsel for the parties, I am satisfied that the following order shall meet the ends of justice:

“The appeal is dismissed on merits. Time to vacate the suit premises till the end of December, 2015 is granted subject to the appellant depositing the entire arrears of rent at the rate of Rs.7,500/- per month from April 2011, after deducting the amount, if any, already paid, within a period of eight weeks from today failing which it would be open to the respondent to execute the decree. The appellant is further directed to pay the rent at the rate of Rs.7,500/- per month, subject to outcome of the enquiry into mesne profits, on or before tenth of every month, failing which it would be open to the respondent to execute the decree.

The appellant is also directed to furnish an undertaking of all adult members in the family, within a period of three weeks from today stating that they shall not claim any right in the suit property and/or create third party rights therein and shall handover vacant and peaceful possession thereof to the respondent – decree holder

on or before 31-12-2015, with an advance copy thereof to the advocate for the respondent. If the appellant and the other adult members of his family fail to file undertaking, as aforementioned, it would be open to the respondent – decree holder to execute the decree.”

Miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, J

24-04-2015

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Note: CC in one week.

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