

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.422/2013

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. S. P. Thorat for the applicant

Mr. Ashutosh Gole i/b. V. P. Patankar for the respondent

CORAM : K. K. TATED, J.

DATE : MARCH 30, 2016

P.C.:

1. Heard. This Application is made by the tenant challenging the concurrent findings of facts recorded by both the courts below. After arguing for some time, the learned counsel for the applicant submits that he received instructions from his client to withdraw the Civil Revision Application. To that effect, he made an endorsement on a farad. Same is taken on record and marked "X" for identification.

2. The learned counsel for the applicant submits that the applicant and his son Dr. Kapil Nanasaheb Patil are in possession of the suit premises 1st floor of the building at city survey No.1136-A, "E" Ward, Sykes Extension, Kolhapur

admeasuring 44 sq. He submits that the applicant Dr. Nanasaheb D. Patil as well as his son Dr. Kapil Nanashaeb Patil filed undertakings before this court that they will not create any third party right, title and interest in respect of the suit property. He further submits that both the deponents have given undertakings in this court that they will hand over vacant and peaceful possession of the suit property to the respondent landlord on or before 08.03.2017. Both the undertakings are accepted.

3. Considering the facts and circumstances of the present case and as the applicant tenants gave undertakings before this court, following order is passed:

- a. The applicant is permitted to withdraw the Civil Revision Application.
- b. Undertakings given by the applicant Dr. Nanasaheb D. Patil dated 12.03.2016 and his son Dr. Kapil Nanasaheb Patil dated 26.03.2016 are accepted and taken on record.
- c. Time is granted to the applicant tenant to vacate and hand over possession of the suit property to the respondent landlord till 08.03.2017.

d. The applicant Dr. Nanasaheb D. Patil as well as his son Dr. Kapil Nanasaheb Patil are restrained by an order of an injunction from creating any third party right, title and interest in respect of the suit property till the same is handed over the respondent landlord.

d. Civil Revision Application stands disposed of accordingly.

JUDGE