

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 828 OF 2016

Mr. Arvind R. Wagajkar and ors. .. Petitioners
vs.
Maniklal M. Bhandari and ors. .. Respondents

Mr. S.C. Wakankar for the Petitioner.
Mr. T.D. Deshmukh for the Respondents.

CORAM : M. S. SONAK, J.
DATE : 2 FEBRUARY 2016.

P.C. :-

1] This petition is disposed of with the following agreed order.
The parties state that the agreement is without prejudice to their respective rights and contentions. The terms of the agreement are as follows:

a] The Petitioners-tenants shall be entitled to carry out the repairs to the suit premises, in terms of the Commissioner's report dated 10 November 2014 (Exhibit-C page 25 of the paperback);

b] It is clarified that the repairs shall be tenantable repairs and not permanent repairs. Further the pendency shall not claim any equities in the context of such repairs;

c] The repairs as aforesaid shall be carried out by the Petitioners at their own costs and without making any claims

in this regard from the Respondents-landlord;

d] The repairs as aforesaid, shall be completed within a period of two months from today. The Respondent-landlord shall render necessary cooperation for the purposes of such repairs;

e] Regular Civil Suit No. 219 of 2010 pending in the Court of Civil Judge, Junior Division, Daund Division, Daund, is expedited. The Trial Court is directed to dispose of the same as expeditiously as possible and in any case within a period of nine months from today; and

f] The Respondents-landlord shall offer themselves for cross-examination on the next date, i.e., 12 February 2016, without fail. Further, the parties shall cooperate with the Trial Court in the matter of expeditious disposal of the suit.

2] This petition is disposed of in the aforesaid terms.

3] All concerned to act on the basis of authenticated copy of this order.

(M. S. SONAK, J.)