

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 30 OF 2015**

Smt. Sobhana Sudhakar Sawant ..Applicant

Vs

Smt. Nirmala Mohan Patil .. Respondent

Mr. Sandesh Patil, Advocate for Applicant.
Mr. Sandeep R. Mishra, Advocate for the Respondent.

**CORAM : R.G.KETKAR,J.
DATE : 21/01/2016**

PC:

1. Heard Mr. Sandesh Patil, learned counsel for the applicant and Mr. Sandeep Mishra, learned counsel for the respondent at length.

2. By this application under Section 115 of the Code of Civil Procedure, 1908 (for short, 'C.P.C.'), the applicant, hereinafter referred to as 'original defendant', has challenged the Judgment and decree dated 24.12.2010 passed by the learned 9th Jt. Civil Judge, Jr. Dn. Thane in Regular Civil Suit No.16 of 1999 as also the judgment and decree dated 21.11.2014 passed by the learned District Judge-3, Thane in Civil Appeal No.50 of 2011. By these orders, the Courts below decreed the suit instituted by the respondent, hereinafter referred to as plaintiff', for recovery of possession of shop Gala no.1, admeasuring 10'x16', situate on Survey No.163/3, Yeshwant Chawl, Patil Wadi, Mahatma Phule

Nagar, Thane (for short, 'suit premises') and directed the defendant to hand over vacant and peaceful possession of the suit premises to the plaintiff.

3. After arguing Application for quite some time, Mr. Patil, upon taking instructions from the applicant who is present in court, states that the applicant will not press this application if time to vacate the suit premises on or before 20.1.2017 is granted. He has tendered photocopy of Pan Card of Shobhana Sudhakar Sawant, which is taken on record and marked 'X' for identification.

4. Mr. Patil further states that the applicant is in possession and nobody else is in possession. She has not created third party interest and will hereafter neither create interest nor part with possession. She will hand over vacant and peaceful possession of the suit premises to the plaintiff on or before 20.1.2017. She accepts that her tenancy is terminated.

5. Mr. Patil assures that the applicant will file undertaking in the above terms during the course of the day and serve copy in advance on the other side.

6. Mr. Patil further states that the applicant has paid Rs.15,000/- towards security deposit to the plaintiff and she may be directed to refund that amount without any interest. Mr.Mishra assures that at the time of handing over possession, the plaintiff

will refund amount of Rs.15,000/- to the defendant.

7. In view thereof, Civil Revision Application is disposed of as not pressed. The applicant shall file undertaking in the aforesaid terms during the course of the day and serve copy in advance on the other side. The plaintiff shall refund the amount of Rs.15,000/- to the defendant at the time of handing over possession of the suit premises.

(R.G.KETKAR, J.)