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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE SIDE JURISDICTION***

***CIVIL REVN. APPLICATION NO. 480 OF 2015***

Mr. Radheshyam Ramsahai Dhobi  
Through his legal heirs  
Smt. Guddi Radheshyam Dhobi & Ors.

... Applicants.  
(Orig. Defendants)

V/s.

Mr. Mithailal Ramdhani Gupta.

... Respondent.  
(Orig. Plaintiff)

*with*

***CIVIL APPLICATION NO. 560 OF 2015***

Mr. Mithailal Ramdhani Gupta.

... Applicant  
(Orig. Plaintiff)

**In the matter of**

Mr. Radheshyam Ramsahai Dhobi,  
(deceased) through his legal heirs  
Smt. Guddi Radheshyam Dhobi & Ors.

... Applicants  
(Orig. Appellants)

V/s.

Mr. Mithailal Ramdhani Gupta.

... Respondent  
(Orig. Plaintiff)

Mr. S.M. Sabrad for the Applicant in CRA 480/15.

Mr. Jitendra Oak for the Respondent in CRA 480/15 and for the  
Applicant in CAC 560/15.

***CORAM : N.M. Jamdar, J.***

***08 December, 2016.***

**Oral Order :-**

The learned Counsel for the Applicants at the outset submits that if some reasonable time is granted to vacate the suit premises, the Applicants will not pursue their Revision Application. The learned Counsel for the Respondent states that he is not averse to grant of time to vacate and longer time need not be given as the Applicants have other premises.

2. Considering the fact that the Applicants have over stayed in the premises after the expiry of leave and licence agreement, for almost 17 years, in the facts and circumstances of the case the time to vacate of one year would be reasonable. The learned Counsel for the Applicants on instructions accepts and states that the affidavit/undertaking of the Applicant Nos.1 and 2 will be filed as others are minors, within period of two weeks from today. He states that Applicant No.1 is present in the Court and is aware of the order passed. The matter was heard on 6/7 December 2016 for consideration of the request of the learned Counsel for the Applicants for time to vacate. Even today the matter was kept back in the morning session and therefore, the Applicants are fully aware of the implications of the order.

3. Accordingly the Revision Application is dismissed as not pressed.

4. Irrespective of the dismissal of the Civil Revision Application, the impugned judgment and decree will not be executed till 1 January 2018. This is on the following conditions :-

(i) The Applicant Nos.1 and 2 will file their affidavit/undertaking that they are alone in the possession and that they will not create any third party rights or part with possession of the suit premises and will keep paying the rent regularly till the premises are handed over as above.

(ii) The affidavit/undertaking to be filed within period of two weeks from today. If the affidavit/undertaking is not filed within period of two weeks from today, the decree will become executable forthwith.

5. In view of the dismissal of the Civil Revision Application, the Civil Application does not survive and is disposed of accordingly.

*(N.M. Jamdar, J.)*