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IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 49 OF 2015

Mr.Bhanudas Dashrath Borkar .. Applicant

Vs.

Mr.Dnyaneshwar Laxman Bagal and others .. Respondents

Ms.Anita A.Agarwal, Advocate for the Applicant.
Mr.Amit B.Borkar, Advocate for Respondents.

CORAM : R.G.KETKAR, J.
DATED : 19th JANUARY, 2016

P.C. :

. Heard Ms.Anita A.Agarwal, learned Counsel for the applicant and Mr.Amit B.Borkar, learned Counsel for the respondents at length.

2. By this Application under Section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C'), applicant, hereinafter referred to as original defendant has challenged the judgment and decree dated 19/01/2013 passed by the learned 6th Additional Judge of the Small Causes Court, Pune in Regular Civil Suit No. 465 of 2009 as also the judgment and decree dated 31/12/2014 passed by the learned Adhoc District Judge-3, Pune in J-Civil Appeal No. 202 of 2013. By these orders, the Courts below decreed the Suit instituted by the respondents, hereinafter referred to as plaintiffs, for

possession of room admeasuring 200 sq. feet (consisting of 100 sq. ft. shop premises and 100 sq.ft. which is behind the shop premises for residential purpose) consisting of shop admeasuring 100 sq.ft on the front side and residential room admeasuring 100 sq.ft on the rear side in C.T.S. No. 4171/2 and 4171/7 situate at Vitthalwadi, Mauze Aakurdi, Taluka - Haweli, District – Pune (for short 'suit premises') under Section 16(1)(g) of the Maharashtra Rent Control Act, 1999.

3. After arguing the Application for quite some time, Ms.Agarwal, upon taking instructions from the applicant who is present in the Court, states that the applicant will not press the Application if time of one year and three months is given for vacating the suit premises. She has tendered a photocopy of the PAN card of the applicant which is taken on record and marked 'X' for identification.

4. Ms.Agarwal further states that applicant is staying along with his wife and nobody else is residing with them. She states that within 2 weeks from today, the applicant will file usual undertaking incorporating therein that

- i) The applicant is in possession along with his wife and nobody else is in possession;
- ii) The applicant has so far not created third party interest and not parted with possession of the suit premises. The applicant hereafter will neither create third party interest nor part with

possession of the suit premises;

- iii) The applicant will hand over vacant and peaceful possession of the suit premises on or before 30/04/2017.
- iv) The applicant accepts that his tenancy is terminated.

5. In view thereof, Application is disposed of as not pressed in the following terms.

I) The applicant shall give usual undertaking to the aforesaid effect within 2 weeks from today and serve copy in advance on the other side. The undertaking so filed shall stand accepted.

II) Notwithstanding disposal of Civil Revision Application, the decree of eviction shall not be effected on or before 30/04/2017.

6. Order accordingly.

(R.G.KETKAR, J.)