

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 346 OF 2014
ALONGWITH
CIVIL APPLICATION NO.815 OF 2014

Sanjay Krishnakant Ladkat & Ors. Appellants

VERSUS

Smt.Leena Chandrashekhar Khedekar Respondent

Ms.Amita Desai for the Appellants.

Mr.Sandesh Patil for the Respondent.

CORAM : R.D. DHANUKA, J.

DATE : 16th AUGUST, 2016

P.C.

Learned counsel appearing for the appellants seeks liberty to withdraw this appeal and submits that the appellants be granted six months time to vacate the premises. She submits that all the appellants are in possession of the suit premises and she undertakes on behalf of her clients that if time to vacate is granted by this court as prayed, the appellants would not create any third party rights and would not handover possession of the suit premises to anybody else during this period of six months. Statement is accepted.

2. Mr.Patil, learned counsel appearing for the respondent submits that he has no objection if the appellants are given six months time to vacate the property provided that they would not create third party rights in the suit premises and would not handover possession of the suit premises to anybody else and file an undertaking in writing in this court to that effect. Statement is accepted.

3. Second appeal is dismissed as withdrawn. The appellants are granted six months time to vacate the suit premises and shall handover peaceful and vacant possession thereof to the respondent upon expiry of the six months. The appellants undertake to not to create any third party rights and/or part with possession in respect of the suit property in favour of anybody else during the period of six months. The appellants have agreed to file written undertaking recording these statements in this court within one week from today and shall furnish a copy thereof to the learned advocate representing the respondent simultaneously. Undertaking rendered by the learned advocate on behalf of the appellants is accepted.

4. It is made clear that if the appellants create any third party rights or hands over possession to anybody else during the period of six weeks or do not handover possession of the suit premises on expiry of six months, the Court Receiver shall stand appointed in respect of the said premises who shall take forcible possession from the appellants or such party who is found in possession and shall handover the same to the respondent.

5. It is made clear that the respondent would be at liberty to file separate proceedings for mesne profits under the provisions of Code of Civil Procedure, 1908 against the appellants.

6. In view of the withdrawal of the second appeal, civil application does not survive and is accordingly disposed of.

[R.D. DHANUKA, J.]