

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 218/2016
WITH
CIVIL REVISION APPLICATION NO. 220/2016

Ramakant P. Chandorkar ... Applicant
V/s.
M/s. Nakheys Everest Estate Pvt. Ltd. & Ors. ... Respondents

Mr. Amogh K. Karandikar i/b. Khandeparkar Associates for the Applicant
Mr. Vivek Narayan Biwalkar for the Respondents.

CORAM: K.K. TATED, J.
DATED : APRIL 13, 2016

PC. :

1. Not on board. At the request of the learned counsel for the applicant, both the matters are taken up on board.
2. Heard the learned counsel for the parties. Yesterday i.e. 12.04.2016, the learned counsel for the applicant argued the matters. Thereafter the matters were closed “for orders” and adjourned to 25.04.2016 with liberty to the applicant to mention the matters, if the applicant wants to vacate the suit premises within particular time.
3. Pursuant to the liberty granted on 12.04.2016, the learned counsel for the applicant mentioned the matters today. He submits that the applicant Ramakant Chandorkar is present in court. He submits that he received instructions from his client to withdraw both the matters. To that effect, he made an endorsement on farad. Same is taken on record and marked “X” for identification. He submits that the

applicant may be granted 6 months time to vacate and handover possession of the suit premises to the respondents.

4. The learned counsel for the respondents submits that they have no objection to grant 6 months time on condition that the applicant should not create any third party right, title and interest in respect of the suit premises till handing over vacant and peaceful possession of the suit premises and shall pay remaining amount of compensation by filing usual undertaking.

5. Considering these facts, following order is passed:

- a. The Civil Revision Application stands dismissed as withdrawn.
- b. Six months time from today is granted to the applicant to vacate and handover peaceful possession of the suit premises to the respondent.
- c. Till handing over possession of the suit premises to the respondents, the applicant and occupants are restrained by an order of injunction from creating any third party right, title and interest in respect of the suit premises.
- d. The applicant to file usual undertaking in this court with copy to other side within 2 weeks from today.
- e. The applicant to pay arrears of compensation if any, and further amount till handing over possession of suit property to the respondent directly.
- f. Liberty granted to the respondent to withdraw the amount deposited by the applicant upto 31.03.2016 from District Court, Kalyan without furnishing any security.

(K.K. TATED, J.)