

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.802 OF 2014

Sarwari Shabbir Ahmed Ansari ... Applicant
Vs.
Amina Manzoor Ahmed Ansari ... Respondent

Mr. R. D. Suryawanshi for Applicant.
Mr. Jamshed Ansari for Respondent.

CORAM : R. G. KETKAR, J.
DATE : JUNE 16, 2016

P.C. :

Heard Mr. Suryawanshi, learned Counsel for applicant and Mr. Ansari, learned Counsel for respondent at length.

2. By this Application under Section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C.'), the applicant has challenged the judgment and decree dated 07.02.2008 passed by the learned Joint Civil Judge, Junior Division, Bhiwandi in Regular Civil Suit No.425 of 2004 as also the judgment and decree dated 28.04.2014 passed by the learned Ad-hoc District Judge-2, Thane in Civil Appeal No.63 of 2008. By these orders, the Courts below decreed the Suit instituted by the respondent under Sections 15 and 16(1)(b) of the Maharashtra Rent Control Act, 1999 (for short 'Act'). After arguing the Application for quite some time, Mr. Suryawanshi, upon taking instructions from the applicant - Sarwari Shabbir Ahmed Ansari, who is present in the Court, states that applicant will not press this application, if reasonable time to vacate the suit premises is granted. He submitted that as the Suit is decreed under Sections 15 and 16(1)(b) of the Act and not under Section 16(1)(g), time upto 31.05.2017 for vacating the suit premises may be granted. He assures that within eight weeks from today, applicant and

all the adult family members residing with her will give usual undertaking, after giving advance copy to the other side.

3. Though Mr. Ansari opposed grant of more than three months time, having regard to the fact that the eviction decree is not passed under Section 16(1)(g) as also having regard to the relationship between the parties, I find that the request made by Mr. Suryawanshi is reasonable. Hence, the Application is disposed of as not pressed in the following terms:

a. The impugned orders are confirmed and the tenancy of the applicant stands terminated;

b. Applicant and all the adult family members residing with her will give usual undertaking within eight weeks from today, after giving advance copy to the other side incorporating therein that,

- (i) they are in actual possession of the suit premises and nobody else is in possession;
- (ii) they have so far neither created third party interest nor parted with possession of the suit premises;
- (iii) they will hereafter neither create third party interest nor part with possession of the suit premises;
- (iv) they will pay directly to the respondent the arrears of rent, if any, within 8 weeks from today and will go on regularly paying the rent till handing over possession to the respondent on or before 31.05.2017;
- (v) they will handover vacant and peaceful possession of the suit premises to the respondent on or before 31.05.2017.

4. In view thereof, subject to filing undertaking in the aforesaid terms within 8 weeks from today, the decree of eviction shall not be executed on or before 31.05.2017. List the Application for compliance after eight weeks.

(R. G. KETKAR, J.)