

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.471 OF 2016

Shivaji Krishna Sawant ... Applicant
Vs.
Murlidhar Yashwant Rane ... Respondent

WITH
CIVIL REVISION APPLICATION NO.472 OF 2016

Padmaja Prabhakar Athale ... Applicant
Vs.
Murlidhar Yashwant Rane ... Respondent

WITH
CIVIL REVISION APPLICATION NO.473 OF 2016

Kashinath Gopalchandra Karmolkar ... Applicant
Vs.
Murlidhar Yashwant Rane ... Respondent

WITH
CIVIL REVISION APPLICATION NO.475 OF 2016

Eknath Sahadeo Shinde ... Applicant
Vs.
Murlidhar Yashwant Rane ... Respondent

WITH
CIVIL REVISION APPLICATION NO.476 OF 2016

Sunita Radhakrisna Chamankar through her
C.A. Darshan Radhakrishna Chamankar ... Applicant
Vs.
Murlidhar Yashwant Rane ... Respondent

WITH
CIVIL REVISION APPLICATION NO.478 OF 2016

Suresh Govind Golatkar through POA
Kedar Suresh Golatkar ... Applicant
Vs.
Murlidhar Yashwant Rane ... Respondent

Ms Prabha Badadare for Applicants in all Applications.

CORAM : R. G. KETKAR, J.
DATE : AUGUST 11, 2016

ORDER :

Not on Board. At the request of Ms Badadare, learned Counsel for applicants, taken up for admission.

2. Ms Badadare submits that the controversy raised in these Applications is covered by the decision dated 03.08.2016 passed by this Court in Writ Petition No.8179 of 2016.

3. Ms Badadare states that applicants are present in the Court. She has tendered photocopies of the identity cards, which are taken on record and marked 'X colly.' for identification. Upon taking instructions from them, she states that applicants are not pressing these applications if time to vacate upto 31.12.2016 is given to the applicants. She states that applicants-

- (i) are in actual possession of the suit premises and nobody else is in possession;
- (ii) have so far neither created third party interest nor parted with the possession of the suit premises;
- (iii) will hereafter neither create third party interest nor part with the possession of the suit premises;
- (iv) will pay the arrears of rent, if any to the respondent within two weeks from today; and
- (v) will hand over vacant and peaceful possession of the suit premises to the respondent on or before 31.12.2016.

4. She assures that within two weeks from today applicants and all adult family members residing with them in the suit premises will give usual undertaking.

5. In view thereof, Applications are disposed of as not pressed in the

following terms:

(1) Applicants accept the correctness of the impugned orders and that their tenancy is terminated.

(2) Eviction decree shall not be executed on or before 31.12.2016 subject to the applicants and all adult family members residing in the suit premises giving undertaking incorporating therein:

(i) that they are in actual possession of the suit premises and nobody else is in possession;

(ii) that they have so far neither created third party interest nor parted with the possession of the suit premises;

(iii) that they will hereafter neither create third party interest nor part with the possession of the suit premises;

(iv) that they will pay the arrears of rent, if any to the respondent within two weeks from today; and

(v) that the applicants will hand over vacant and peaceful possession of the suit premises to the respondent on or before 31.12.2016.

(3) Applications are disposed of in aforesaid terms. Order accordingly.

(4) Parties concerned to act upon the authenticated copy of this order.

6. List the Applications for reporting compliance after three weeks.

(R. G. KETKAR, J.)