

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION***

CIVIL APPLICATION NO. 2287 OF 2016

IN

WRIT PETITION NO. 3805 OF 2013

Shaikh Akhtar Abdul Gani and Ors.

... Applicants.

V/s.

Smt. Revati Laxman Sade and Ors.

... Respondents.

Mr. R.M. Momin i/b. Sharif Najma Jamil for the Applicants.

Mr. Nandkumar Laxman Sade, Respondent No.2 present in Court.

CORAM : N.M. Jamdar, J.

15 November, 2016.

P.C. :-

The Application is taken out to vacate the suit premises. The suit was instituted in the year 1989 by the Respondents. The Writ Petition was dismissed on 27 July 2016 after hearing the parties at length. At that time no application was made for seeking time to vacate the suit premises.

2. The application is filed in August 2016 and when it was taken up on board on 19 September 2016, none appeared and the matter is come up today. The Respondent, who appears in-person

submits that he is not averse to some time be granted, he states that for almost 30 years the Applicant has occupied the premises without paying any amount.

3. Considering the fact that the Applicant has already availed of time since July 2016, I am of the opinion that till 25 July 2017 will give one year's time to the Applicant to vacate the premises. In any case, even if such request for vacating the time would have been made when the Writ Petition was disposed of, one year's time to vacate the premises would have been considered reasonable.

4. The Applicant will file an undertaking of himself and all adult members occupying the suit premises that the Applicant will hand over vacant and peaceful possession of the suit premises on 26 July 2017 to the Respondents. The affidavit will also state that the deponents will not create any third party rights or part with possession. Such affidavits will be filed within period of four weeks from today. If the affidavits are not so filed within the period of four weeks, the above order permitting the Applicant to occupy the premises till 26 July 2017 will cease to operate and it will be open to the Respondents to execute the decree. On these conditions, time is granted till 25 July 2017 to vacate the suit premises. The Civil Application is accordingly disposed of.

(N.M. Jamdar, J.)