

IN THE HIGH COURT OF JUDICATURE AT MUMBAI
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.2482 OF 2016
IN
WRIT PETITION NO.8502 OF 2016

M/s. Amratlal Dhirajlal & Co. ... Applicant
Vs.
Kamlesh Singh Harnamsingh Chowhan and another ... Respondents

Ms O. P. Pandya for Applicant.
Mr. Vivek Kantawala a/w. Mr. Amey Patil i/b. Vivek Kantawala & Co. for
Respondent No.1.

CORAM : R. G. KETKAR, J.
DATE : SEPTEMBER 20, 2016

P.C. :

Heard Ms Pandya, learned Counsel for the applicant and
Mr. Kantawala, learned Counsel for the respondent No.1.

2. By this Civil Application, the applicant, hereinafter referred to as 'defendant No.1', has prayed for extension of stay for a period of four weeks from 19.09.2016. Writ Petition No.8502 of 2016 was dismissed on 08.08.2016. On the oral application made on behalf of the petitioner therein, order was stayed for a period of 8 weeks subject to the petitioner and all the adult family members / partners using the suit premises filing usual undertaking in terms of paragraph 25. The period stipulated in the order dated 08.08.2016 for filing undertaking expired on 22.08.2016. Ms Pandya, therefore, submitted that the time for filing undertaking may be extended till today. She further submitted that the applicant intends to challenge the order dated 08.08.2016 in the Apex Court. The stay granted for a period of 8 weeks expires on 03.10.2016. The same may be extended till 17.10.2016. She has tendered undertaking of -
(i) Mrs. Parul Piyush Parekh, (ii) Mr. Kishanlal Maganalal Parekh and

(iii) Mrs. Meera Haresh Parekh. All of them have given undertaking to the effect that in case they are unable to obtain suitable orders from the Higher Court till 17.10.2016, they will handover vacant and peaceful possession of the suit premises to the plaintiffs. The undertakings filed by them are taken on record and marked 'X colly.' for identification. The undertakings given by (i) Mrs. Parul Piyush Parekh, (ii) Mr. Kishanlal Maganalal Parekh and (iii) Mrs. Meera Haresh Parekh are accepted.

3. In view thereof, the time stipulated for filing undertaking in the order dated 08.08.2016 is extended till today. The time stipulated in the order dated 08.08.2016 for handing over possession is also extended till 17.10.2016. Civil Application stands allowed in the aforesaid terms with no order as to costs. Order accordingly.

(R. G. KETKAR, J.)

Minal Parab