

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

*SECOND APPEAL NO. 24 OF 2016
ALONG WITH
CIVIL APPLICATION NO. 28 OF 2016*

Shri Maruti Gundu Jamdar

... Appellant/Applicant

v/s

Shri Hari shankar Dani & ors.

... Respondents

Mr.V.S.Talkute for the appellant/applicant.

Mr.P.P.Kulkarni for Resp. Nos.1, 3 and 4.

Coram: N.M. Jamdar, J.

Dated : 26 April 2016

P.C.:

Learned counsel for the Appellant, after arguing the matter for some time submits that, if the appellant is granted reasonable time to vacate two rooms, which is subject matter of the suit, the appellant will not press the appeal on merits and withdraw the same. He requests for reasonable time to vacate the suit premises, at least till the end of the year 2016. Learned counsel for the Respondents states that, if the Appellant is ready to hand over the vacant and peaceful possession of the property by 1 January 2017 and files necessary undertaking, then the Court may consider giving time as prayed for.

2 Accordingly, the appeal stands disposed of as withdrawn.

3 However, in view of the above, the decree will not be executed till 1 January 2017 upon an undertaking by the Appellant to be filed on or before 15 June 2016 specifying the adult members, if any, residing with him in the suit property and their undertaking on affidavit as well as the undertaking of the Appellant that, they will not create any third party interest and part with possession and they are alone in possession and they will hand over the vacant and peaceful possession of the suit property by 1 January 2017. If no undertaking is filed, the decree shall stand executable forthwith.

4 The appeal is disposed of accordingly with the civil application.

(N. M. JAMDAR, J.)