

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY*****CIVIL APPELLATE JURISDICTION*****CIVIL APPLICATION NO. 1788 OF 2016****IN****SECOND APPEAL NO. 160 OF 2016**

**Smt.Umabai Shankar Bhave,  
(since deceased – name maintained only for  
purpose of cause title) & Ors.**

**..... Applicants****VERSUS**

**Kalyan Dombivali Municipal Corporation**

**..... Respondent**

Mr.H.Vyas, i/b. Mr.S.R.Page for the Applicants.

Mr.P.K.Dhakephalkar, Senior Advocate, a/w. Mr.A.S.Rao for the Respondent.

**CORAM : R.D. DHANUKA, J.**

**DATE : 22<sup>nd</sup> NOVEMBER, 2016**

**P.C.**

By this civil application the applicants seeks extension of stay granted by this court on 26<sup>th</sup> October, 2016 by two weeks.

2. Mr.Dhakephalkar, senior counsel for the respondent submits that if this court is inclined to grant two weeks extension as prayed, the appellants shall render an undertaking before this court that in the event of the appellants failing in the proposed special leave petition before the Supreme Court, the appellants will handover the vacant and peaceful possession of the suit property in question to the respondent immediately.

3. Mr.Page, learned counsel for the applicants on instruction states that his client gives an undertaking before this court that in the event of the applicants not succeeding in the Special Leave Petition before the Supreme Court as proposed to

be filed against the impugned order passed by this court, the appellants will surrender peaceful and vacant possession of the suit property to the respondent within one week from the date of the dismissal of the Special Leave Petition. The undertaking rendered by the learned counsel on behalf of the applicants is accepted.

4. In view of the undertaking rendered by the learned counsel for the applicants, ad-interim protection granted by this court which was continued for a period of four weeks by the said order dated 26<sup>th</sup> October, 2016 is extended by two weeks from today. It is made clear that no further extension would be granted.

5. It is made clear that during this extension period also, the applicants shall not create any third party rights in respect of the suit property and handover possession thereof in favour of the third party.

6. If any special leave petition is filed by the applicants before the Supreme Court, the notice as well as papers and proceedings thereof shall be served upon respondent.

7. Civil application is disposed of in the aforesaid terms. No order as to costs.

**(R.D.DHANUKA, J.)**