

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO. 650 OF 2015
IN
CIVIL REVISION APPLICATION NO.777 OF 2014**

Suresh Kashinath Pawar

..Applicant

Vs.

Suresh Kashinath Sorate

..Respondent

Mr. Aditya Aklekar i/b Mr. R. S. Kadam for the Applicant

Mr. P. J. Das for the Respondent

CORAM : R. M. SAVANT, J.

DATE : 5th JANUARY, 2016

P.C.

1 The above Civil Application has been filed seeking extension of time to vacate the premises. The above Civil Revision Application was filed challenging the decree for eviction which was withdrawn by the Applicant on the ground that he may be granted some time to vacate the suit premises. A Learned Single Judge of this court had accordingly permitted the withdrawal of the above Civil Revision Application, however by the order dated 18-3-2015 passed in the above Civil Revision Application time up to 31-12-2015 was granted to vacate the premises on the usual undertaking filed by the Applicant in this Court. The Applicant has accordingly filed the said undertaking. The relief sought in the instant Civil Application namely the extension of time to vacate the premises is on the ground that the daughter of the Applicant is studying in the 12th standard and that the 12th standard exams would be

conducted towards the end of February 2016 or early March 2016 and therefore if the Applicant is to vacate the premises the same would inconvenience the daughter.

2 The Learned Counsel appearing on behalf of the Respondent i.e. the landlord in whose favour the decree has been passed states that the Applicant has his own premises which are situated at a distance of about 1.5 km., from the suit premises. The Learned Counsel further states that the Respondent has to undergo dialysis as his kidneys have failed and since the suit premises are situated on the ground floor, the same are suitable to the Respondent for his residence.

3 In my view, the relief sought by the Applicant vide the above Civil Application cannot be granted. It is required to be noted that by order dated 18-3-2015 the Applicant was granted time up 31-12-2015, the Applicant was therefore required to make arrangements within the said time and it was not expected of the Applicant that he would seek extension of time on the ground of the examination of one of his children. Hence the extension of time sought to vacate the premises cannot be granted. The Civil Application is accordingly rejected.

[R.M.SAVANT, J]