

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Civil Application (caw) No. 700 of 2016
(In Writ Petition No. 1639/14 [D])

Prabhakar Venkobaji Manekar

vs.

Surendra Dinanath Sharma

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

 Mr. A.A. Naik Advocate for the Petitioner.
 Mr. R.M.Sharma Advocate for the Respondent.

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CORAM : S. B. SHUKRE, J.
DATE : MARCH 31, 2016.

Heard the learned counsel for the petitioner and
 learned counsel for the respondent.

This application has been strongly opposed by the
 learned counsel for the respondent. He submits that more
 than reasonable time has been granted to the petitioner for
 vacating of the suit premises. He submits that a period of
 one year should have been utilized by the petitioner for
 finding out alternate premises, which he has not done. He
 also submits that the petitioner is committing breach of his
 own undertaking, which he has submitted before this Court
 as per the order passed by this Court on 12.2.2015.

According to learned counsel for the petitioner the
 affidavit filed on record by the petitioner would show as to

how the effort of the petitioner in searching the alternate premises is bona fide and, therefore, the petitioner deserves some indulgence from this Court.

Upon consideration of the arguments of both the sides and also as to what is stated in the affidavit, I find that it would be in the fitness of things that the petitioner is granted further time of three months upon his furnishing an affidavit that on or before expiry of three months from the date of order, the petitioner shall vacate the suit premises in same condition as it was given and that the petitioner shall not seek any further extension of time from this Court.

The petitioner shall continue to pay the rent of the suit premises, as directed by this Court in terms of its order dated 12.2.2015 till the time he vacates the suit premises in compliance with this order.

JUDGE

/TA/