

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

SECOND APPEAL NO.291 OF 2015

[Bharat Petroleum Corporation Limited .vs. Shyamsunder s/o Satyanayaran and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : PRASANNA B. VARALE, J.
DATED : JANUARY 15, 2016.

Heard Mr. Abhay Sambre, the learned counsel for the appellant-Corporation and Mr. R.L. Khapre, the learned counsel for the respondent No.1.

On perusal of the judgment and order passed by both the courts below and considering the grounds raised in the present appeal, I see no substantial question of law is involved in the present Second Appeal. The appeal is wholly meritless.

Learned counsel Mr. Sambre for the appellant-Corporation submits that as this court is not inclined to entertain the appeal being meritless and as the controversy in respect of premises to be vacated by the appellant-Corporation, this court may grant some time to vacate the premises. Mr. Sambre, the learned counsel for the appellant-Corporation states that the appellant-Corporation gave an undertaking before the courts below that they would vacate the premises within a span of one month. Mr. Sambre, learned counsel for the appellant-Corporation, submits that it would be too difficult to vacate the premises within short span of one month as its petroleum outlet and for shifting the machinery, the assistance of expert workers and mechanics is required. In that situation, it will not be possible to vacate the premises within short span of one month.

Mr. Sambre, the learned counsel for the appellant-Corporation, prays for some more period.

Though Mr. Khapre, the learned counsel for the respondent no.1, opposes the extension of period, in my opinion, the request of learned counsel Mr. Sambre for the appellant-Corporation can be considered by grant of some reasonable period to the appellant-Corporation to vacate the premises.

The learned Principal District Judge, Yavatmal, by an order dated 24.7.2013, granted stay to the execution of decree, subject to appellant depositing the sum of Rs.30,001/- per month on or before 10th of each month from the date of decree of trial court. This direction to deposit the amount in the sum of Rs.30,001/- per month on or before 10th of each month to continue till the month of April, 2016. The appellant-Corporation to file an undertaking to this effect in this Court within two weeks from today and submit the copy of the same to the Executing Court.

Mr. Khapre, the learned counsel for the respondent no.1, submitted that an undertaking is given to vacate the premises within span of one month. Mr. Khapre invites my attention to the said undertaking. Copy of the same is placed on record and marked as 'X' for identification.

In view of above referred facts, the appellant-Corporation is directed to vacate the premises on or before 30.4.2016.

Steno copy is allowed.

JUDGE