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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO.220 OF 2016

Ramesh s/o Dattatraya Bhingare,
Age : 61 years, Occu. Business,
R/o 104, Tarabag Colony,
Kedgaon, Ahmednagar

..APPLICANT

VERSUS

1. Dilip Dattatraya Wadekar,
Age : 37 years, Occu. Service,
2. Suresh Saidu Wadekar,
Age : 65 years, Occu. Rickshaw Driver,
3. Ashok Saidu Wadekar,
Age : 45 years, Occu. Service,
4. Ambadas Saidu Wadekar,
Age : 40 years, Occu. Business,

All R/o H. No.1352/1353,
Mangal Gate, Ahmednagar

..RESPONDENTS

Mrs Charuta S. Deshmukh , Advocate for applicant;
Mr Tejas Bedre, Advocate holding for Mr V.S. Bedre, Advocate for
respondent

CORAM : N.W. SAMBRE, J.

DATE : 8th June, 2017

ORAL ORDER

Regular Civil Suit No.313 of 2009 on the file of 9th Joint Civil Judge Junior Division, Ahmednagar was instituted by the respondents-landlords for eviction, arrears of rent and inquiry in respect of mesne profits under the provisions of the Maharashtra Rent Control Act, 1999. The suit came to be decreed by judgment and order dated 7th November, 2014, directing

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the present applicant – tenant to deliver vacant possession of the suit premises, with further directions to pay mesne profits upon inquiry under Order XX, Rule 12 (c) of the Code of Civil Procedure. The appeal against the said judgment and decree before the learned District Judge-2, Ahmednagar, being Regular Civil Appeal No.525 of 2014, at the behest of the applicant – tenant also came to be dismissed on 21st July, 2016. Thus, the present revision.

2. I have heard the learned Counsel for the applicant at length and having opened my mind as regards non-inclination to entertain the revision, the learned Counsel appearing on behalf of the applicant makes a categorical statement upon instructions that the applicant and his wife, namely, Sou. Mangala Ramesh Bhingare undertake to surrender the vacant possession of the suit premises by 31st March, 2018. He in categorical terms states that such undertaking will be filed in the present proceedings within a period of two weeks from today. The statement as regards furnishing undertaking is accepted.

3. Accordingly, it is ordered that after filing of the undertaking by the applicant along with his wife as stated herein above within two weeks from today, possession of the applicant over the suit premises will be protected up to 30th March, 2018. Pursuant to the undertaking, the applicant shall voluntarily surrender possession of the suit premises by physically handing over the possession to the respondents.

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4. With the above observations, Civil Revision Application stands disposed of with no order as to costs.

5. It is clarified that if the undertaking as directed above is not filed, the respondent will be at liberty to take out contempt proceedings and will be also at liberty to execute the decree.

(N.W. SAMBRE, J.)

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