

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION NO.137 OF 2017

Akbarali Asgarali Shaikh

..Applicant

Vs.

Shankar Tukaram Rajiwale

..Respondent

Mr. Hasmit Trivedi i/b Vrinda Daga for the Applicant.

Mr. Arun J. Jadhav for the Respondent.

CORAM: M.S. SONAK, J.

DATE: 25th SEPTEMBER 2017

P.C. :

1. Heard Mr. Trivedi, learned counsel for the Applicant and Mr. Jadhav, learned counsel for the Respondent. After this matter was argued for some time by Mr. Trivedi, he, on the basis of instructions from Shri Akbarali, who is present in the Court, seeks leave to withdraw this Revision. However, he submits that this Court may grant atleast 12 months time or atleast 8 months time to the Applicant, to vacate the suit premises subject to giving an undertaking in this court.

2. Mr. Jadhav, learned counsel for the Respondent submits that grant of 6 months at the highest may be acceptable but nothing beyond that.

3. Finally, the parties, agreed that 8 months time can be granted to the Applicant to vacate the suit premises.

4. Accordingly, Revision Application is permitted to be withdrawn. If the Applicant files an undertaking in this Court within a period of 2 weeks from today, after furnishing a copy of the same to the learned counsel for the

Respondent, the decree for eviction will not be put into execution for a period of 8 months from today.

5. The undertaking to categorically state that vacant and peaceful possession of the suit premises will be unconditionally handed over to the Respondent not only by the Applicant but also by his family members residing with him, at the expiry of 8 months period.

6. Further, learned counsel for the Applicant states that the amount which the Applicant has deposited before the Trial Court may be withdrawn by the Respondent. Accordingly, liberty is granted to withdraw the said amount.

7. Revision Application is disposed of on the aforesaid terms. The undertaking is accepted as an undertaking to this Court.

(M. S. SONAK, J.)