

sas

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELATE JURISDICTION

CIVIL REVISION APPLICATION NO.175 OF 2015

Ms.Rama B. Gohil & Ors.

..Applicants.

V/s.

St.Peters School & Ors.

..Respondents.

Mr.Prabbakar Shetty for the Applicants.

Mr.Kishore Jain with Ms.Sweta Jain i/b. Divya Jain for the Respondents.

Coram : N.M.Jamdar, J.

Date : 23 March 2017

ORAL ORDER

After arguing the matter for some time, learned counsel for the Applicants, on instructions from Applicant No.1, states that the Revision Application will not be pressed on merits and one years time to vacate the suit premises be granted. The learned counsel for the Respondents, on instructions from the officer of the Respondents states that if specific undertakings are given, then the Respondents have no objection to grant time to vacate the suit premises. Even otherwise, considering the fact that the Petitioners are in occupation

of the suit premises since long time and it will take some time to find an alternate accommodation, the prayer for grant of one years time to vacate appears to be reasonable. Accordingly, Revision Application is dismissed as not pressed.

2. The Applicants will file their undertaking that the Applicants will not create third party rights in the suit premises or part with the possession. It appears from the array of parties that Applicant No.1 and Applicant No.3 are residing in the suit premises. Applicant No.2 is residing at Thane and Applicant No.4 is residing at Seweree, Mumbai. This position is confirmed by the learned counsel for the Applicants. All the Applicants will accordingly file their affidavits. The affidavits / undertakings shall be filed within a period of three weeks from today. If the affidavits are not filed within a period of three weeks, then the decree will stand executable forthwith without reference to the Court.

3. The learned counsel for the Applicants states that Vakalatnama is filed on behalf of all the Applicants and she is acting on behalf of all the Applicants and Applicant No.1 is authorised to make a statement, who has given him the above instructions.

4. If the affidavits / undertakings are filed within a period of three weeks from today, decree will not be executed for the period of one year from today i.e. 23 March 2018.

5. It appears that salary dues have not been collected by the Applicants in view of the pendency of the present litigation. Since the Applicants have chosen not to contest the litigation any further, it is open to the Applicants to collect the dues from the Respondents.

(N.M.Jamdar, J.)