

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

**CIVIL APPLICATION NO.817 OF 2017
IN
WRIT PETITION NO.6548 OF 2011**

Mr. Somnath Dattatray Jagtap		
And Others	...	Applicants/Petitioners
Versus		
Shantaram Y. Dharwadkar	...	Respondent

.....

Mr. Parag V. Dube for the Applicants/Petitioners.
Mr. R.R. Salvi i/b Ms. Suvarna Telegote for Respondent.

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CORAM : S.C.GUPTE, J.

DATE : 22 JUNE 2017

P.C.

. This civil application is for recall of an order passed on the writ petition herein.

2 After this application was heard at some length, and this Court indicated to learned Counsel for the Applicants/Appellants that the Court was inclined to pass an order against them, learned Counsel requested the Court that if this Court gave some reasonable time to the Applicants/Appellants to vacate the premises, they would not press their application and instead furnish an undertaking to vacate the suit tenement after such time. Learned Counsel prays for three years' period to vacate the suit tenement. In the facts of the present case, three years or even, one

year, for that matter, would be too long to keep the Respondent from enjoying the benefit of a decree which is passed in an old suit and confirmed in appeal by two Courts, including this Court. Eventually, it is agreed that eight months' time should be given to the Applicants/Appellants to vacate the suit tenement. The civil application is, accordingly, dismissed as not pressed. On an undertaking of learned Counsel for the Applicants/Appellants, on instructions from his clients, to vacate the premises after eight months, the Applicants/Appellants are given eight months' time to vacate the suit tenement. The Applicants/Appellants shall furnish a suitable undertaking in this behalf before the Registry of this Court within a period of two weeks from today. The decree passed by the Courts below and confirmed by this Court shall, accordingly, not be executed for a period of eight months from today, subject to furnishing of an undertaking by the Applicants/Appellants referred to above.

(S.C. GUPTE, J.)