

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 305 OF 2016
IN
CIVIL REVISION APPLICATION NO. 338 OF 2014

Sou. Kamal Dharmaji Satpute	..Applicant
<u>In the matter between :</u>	
Smt. Laxmibai Piraji Satpute & Ors.	..Petitioners
VS.	
Sou. Kamal Dharmaji Satpute	..Respondent

Ms A. R. S. Baxi for Applicant in CA / Original Respondent in CRA.

Mr. Tejpal S. Ingale for Original Petitioners in CRA.

CORAM : M. S. SONAK, J.
DATE: 21 SEPTEMBER 2017

P.C :

1] After this matter was argued for some time, Mr. Ingale, learned counsel appearing for the original petitioners, applied for some time to obtain instructions in the matter.

2] Today, Mr. Ingale, on basis of instructions from the original petitioners, makes a statement that presently only Sona Gopinath Satpute, Pravin Gopinath Satpute and Adarsh Gopinath Satpute are residing in the suit premises. He further states that these three occupants will vacate the suit premises positively on or before 31st January 2018 and hand over the vacant possession thereof to the applicant in this civil application. Such vacation, he says, will be without prejudice to the rights and contentions of the petitioners as

well as these occupants in the main petition.

3] This civil application seeks vacation of interim relief on the ground that the occupants have now constructed new premises and can very well shift to the new premises. The statement made on behalf of Mr. Ingale on behalf of the aforesaid occupants is now accepted. The occupants, to file necessary undertaking to the aforesaid effect in this Court, within a period of two weeks from today. If no undertaking is filed within two weeks, the interim order granted by this Court on 14th November 2014 shall stand vacated, without any further reference to this Court. Copy of the undertaking to be furnished to the learned counsel appearing for the applicant in this civil application, before the same is lodged in the Registry.

4] It is clarified that the vacation of premises by the occupants shall be without prejudice to the rights and contentions of the petitioners in the main CRA, which is already admitted.

5] This civil application is disposed of in the aforesaid terms.

(M. S. SONAK, J.)