

Santosh

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 6919 OF 2017**

|                              |                |
|------------------------------|----------------|
| Rosary Education Group & Ors | ...Petitioners |
| <i>Versus</i>                |                |
| Satish Shrikant Patvekar     | ...Respondent  |

---

**Mr Nilesh Oza**, *a/w Mr Vijay Kurle, Ms Reena Rana, Ms Uttara Khaire, Ms Kruti Bhavsar & Ms Madhuri Tamare, i/b Niranjan Mogre, for the Petitioners.*  
**Mr Jaydeep Deo**, *for the Respondent.*

---

**CORAM: G.S. PATEL, J**  
**DATED: 9th November 2017**

**PC:-**

1. Mr Oza on behalf of the Petitioners tenders a signed undertaking. This is signed by all the Petitioners. In this the Petitioners undertake to vacate the property on or before 6th January 2018. The undertaking is taken on file and marked 'X' for identification with today's date. The application is also accepted as an undertaking to the Court.
  
2. The Petition is dismissed as withdrawn on this basis with liberty to the Respondent to apply.

3. Liberty to the Respondent to move in execution before the Executing Court to recover its money claim. It will also open to the Respondent to file an appropriate application before the Trial Court for recovery of any additional amounts from the Petitioners. It is not possible for this Court in its writ jurisdiction to assess a monetary claim of this kind. The fact that the Respondent moves for recovery of a monetary amount will not exonerate the Petitioners from their undertaking or be a ground to delay delivery of possession. Time for delivery of possession will not be extended under any circumstances.

4. The Petition is disposed of in these terms.

**(G. S. PATEL, J.)**