

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****CIVIL APPLICATION NO.1451 OF 2016****IN****SECOND APPEAL NO.610 OF 2016**

Ravindra Vithoba Jathar

...Applicant/Appellant

vs.

Sou. Devayani Dattatray Joshi And Ors.

...Respondents

....

Ms. Shriya Jadhav, i/b. S.B. Shetye, for the Applicant.

Mr. R.A. Shaikh, for Respondent No.1.

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CORAM : S.C. GUPTE, J.**DATED : 20 JANUARY 2017****P.C. :**

. Heard learned Counsel for the parties. Civil Application No.1451 of 2016 seeks extension of time granted by this Court to the Applicant Appellant for vacating the suit premises. The Second Appeal was dismissed by this Court on 8 August 2016. At that time, six weeks' time was granted by this Court to the Applicant herein for vacating the premises. That time expired on 19 September 2016. On that very date, this Civil Application was moved by the Applicant for extension of stay. A learned Single Judge of this Court, by his order dated 19 September 2016, circulated the Civil Application for production and directed that no coercive steps shall be taken against the Applicant in the meantime. Today, when the Civil Application has reached hearing, learned Counsel for the Applicant states that her client undertakes to vacate the suit

premises within a period of fifteen days from today. Learned Counsel for the Respondents vehemently opposes this plea. He submits that it is nothing but dilatory tactics by the Appellant. He submits that though the Civil Application was circulated on 16 September 2016, it was not placed on board and he had to circulate it twice. Be that as it may, considering that the time prayed for by the Applicant is merely of fifteen days, I am of the view that a further short accommodation can certainly be granted to the Applicant. The undertaking of the Applicant, in the premises, to vacate the suit premises within fifteen days from today is accepted. It is, however, made clear that in case the Applicant does not vacate the suit premises within fifteen days, the Respondents shall be entitled to have the decree to vacate the suit premises executed by use of police force, if necessary, on expiry of two weeks from today. It is also made clear that no further application for extension of time for vacating the premises shall be considered by this Court.

(S.C. GUPTE, J.)