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

CIVIL REVN. APPLICATION NO. 726 OF 2015

Mr. Harishchandra Chedalal Choudhari. ... Applicant.

V/s.

Mr. Shivaji Gundappa Todkar. ... Respondent.

Mr. Umesh Mankapure a/w. Vinod Sangavikar for the Applicant.
Mr. P.D. Pise for the Respondent.

CORAM : N.M. Jamdar, J.

11 January, 2017.

Oral Order :-

The learned Counsel for the Applicant, after arguing for some time, states that if some reasonable time is granted to vacate the suit premises, the Civil Revision Application will not be pressed on merits.

2. The Revision Application was argued in the morning session when the learned Counsel for the Applicant had taken time to take instructions in this regard and the matter was kept in the

afternoon session. The learned Counsel for the Applicant states that instructions have been taken and in pursuant to the instructions this statement is being made. Even otherwise I do not find any merit in the Revision Application as both the Courts have concurrently held that the Respondent – landlord bonafide needs the premises and has no other premises in its possession.

3. As far as the reasonable period to vacate is concerned, considering the fact circumstances of the case and that some time will be required by the Applicant to shift to the new premises by finding out suitable premises, I am of the opinion that one year's time i.e. on or before 10 January 2018 to vacate in the facts and circumstances is reasonable. This indulgence is granted on the following conditions :-

(a) The Applicant will file usual undertaking disclosing the names of persons who are using/occupying suit premises and also file their undertakings incorporating therein :-

(i) that they are in actual possession of the suit premises and nobody else is in possession;

(ii) that they have so far neither created third party interest nor parted with the possession of the suit premises;

(iii) that they will hereafter neither create third party interest nor part with the possession of the suit premises;

(iv) that they will pay the arrears of rent, if any to the Respondent within four weeks from today; and

(v) that they will deliver vacant and peaceful possession of the suit premises to the Respondent on or before 10 January 2018.

5. If such undertaking/s in the aforesaid terms with advance copy to the other side is filed within four weeks from today, the eviction decree shall not be executed for a period of one year from today that is till 10 January 2018. In case the Applicants do not file undertaking/s in the above terms and/or arrears of rent are not paid within four weeks from today, the decree will stand executable forthwith.

(N.M. Jamdar, J.)