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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.10442 OF 2018
IN
WRIT PETITION NO.134 OF 2012**

Champakalabai w/o Vishwanath Sarode,
Age : 55 years, Occu. Nil,
R/o 132, K.V. Sub Station Quarters,
Harsool, Aurangabad ..APPLICANT

VERSUS

1. The State of Maharashtra
2. The Executive Engineer,
Trans (O & M) Division,
M.S.E.T.C.L. Old Power House
Premises, Dr. Ambedkar Road,
Jubilee Park, Aurangabad
3. The Lekha Adhikari (B.N.N.)
M.S.E.B. Estate Batteries
Extension Building, Plot No.1,
Ground Floor, Dhanvi Road,
Mantralaya, Mumbai - 19 ..RESPONDENTS

Mr D.R. Jayabhar, Advocate for applicant;
Mr S.S. Dande, A.G.P. for respondent no.1;
Mr D.P. Palodkar, Advocate for respondent no.2

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 14th August, 2018

ORAL ORDER:

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Heard Mr Jayabhar, learned Counsel appearing on behalf of the applicant.

2. The applicant is before this Court with a prayer of extension of six months for vacating the quarters situated at 132 KV Sub-Station, Harsool, Aurangabad.

3. Mr Jayabhar invited our attention to the order of the Division Bench of this Court which is placed on record at Exh.R-2.

4. The Division Bench of this Court (to which one of us is party, S.M. Gavhane, J.), by considering the factual aspects, the challenge raised in the petition and also considering the fact that the applicant-petitioner was occupying the premises for six long years, disposed of the petition by order dated 21st February, 2018, directing the applicant-petitioner to vacate the premises i.e. quarters within six months period from the date of the order i.e. from 21st February, 2018. The applicant was directed to submit an undertaking to this Court to that effect within two weeks from the date of the order.

5. Mr Jayabhar submits that the applicant-petitioner is facing financial difficulties as she has not received the civil death certificate from the learned Civil Judge Senior Division, Aurangabad and in turn is not getting

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the due amount in the nature of service benefits of her deceased husband. Mr Jayabhar then submitted that the applicant-petitioner is the only earning member in the family and though having an adult son, he being an unemployed youth is unable to assist her financially. Thus, learned Counsel submits that the applicant-petitioner be granted six months extension of period to vacate the premises i.e. quarters situated at 132 KV Sub-Station, Harsool, Aurangabad.

6. Heard learned Asstt. Govt. Pleader on behalf of respondent no.1.

7. Mr Palodkar, learned Counsel appearing on behalf of respondents no.2 and 3 vehemently opposed the application. Mr Palodkar by inviting our attention to the order of this Court submitted that all the difficulties which are referred to in the civil application are already considered by this Court and this Court, even considering the aspect that it will require some time to receive civil death certificate, granted sufficient time to the applicant-petitioner to vacate the premises. Mr Palodkar further submitted that as this quarters is situated in the premises of 132 KV Sub-Station and this being a continuous energy supply station, there is a requirement of attending staff round the clock. He submits that because the applicant-petitioner occupied the premises for a long period, respondents no.2 and 3 are unable to provide this Court to the other employee and the same is causing a serious difficulty for respondents no.2 and 3 in maintaining the

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continuous energy supply.

8. Mr Palodkar was justified in submitting that sufficient time is granted to the applicant-petitioner and the respondents are in need of the premises/quarters considering the only fact that the applicant-petitioner is the only earning member and the son is unable to support her, by way of last chance, we grant a month's time to the applicant-petitioner to vacate the premises. This time of one month would start from 20th August, 2018 and would conclude by 20th September, 2018. The applicant-petitioner will have to vacate the premises in any event by 20th September, 2018. No further application seeking extension would be entertained by this Court. If the applicant-petitioner fails to vacate the premises by 20th September, 2018, respondents no.2 and 3 are at liberty to take appropriate steps for vacating the premises including any coercive action as permissible in law.

Civil Application is accordingly disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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