

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL REVISION APPLICATION NO.04 OF 2017

Ghevarchand s/o Kasturchand Jain,
age: 72 years, Occ: Business,
R/o Ambe Steel Center,
Opp. Punjab National Hotel,
Pandariba, Aurangabad,
Tq. & District Aurangabad.

Applicant

Versus

01 Sardar Dharamsingh s/o
Sardarsingh Chabada,
age: 70 years, Occ: Business,
R/o 56, Sindhi Colony,
Jalna Road, Aurangabad.

Respondent

Mr.Balaji S. Shinde, advocate for the applicant.
Mr.Mayur Salunke, advocate holding for Mr.V.D.Salunke, advocate
for the Respondent.

CORAM : M.S.SONAK, J.
DATE : 31st January, 2018.

ORAL JUDGMENT :

1 On the last occasion, after this matter was argued for some time, a settlement was proposed and the matter was accordingly adjourned today to enable the parties to consider settlement.

2 Today, the parties and their Counsel report that the settlement has indeed been arrived at between the parties and this Civil Revision Application can be disposed of on basis of such settlement. They request that the terms of settlement may be recorded by this Court itself, so that there is no further delay.

3 Respondent – Sardar Dharamsingh Sardarsingh Chabada is not personally present in the Court. However, his son Gurmeetsingh Chabada is present in the Court along with instructions from his father and the instructions have also been conveyed to the advocate appearing for the appellant. Applicant – Ghevarchand Kasturchand Jain is also present in the Court along with his son Nitesh Jain.

4 Within a period of four weeks from today i.e. on or before 22nd February, 2018, Respondent Sardar Dharamsingh Sardarsingh Chabada will deposit, in this Court, an amount of Rs.1,25,000/- (Rs. One Lakh Twentyfive Thousand). Learned Counsel for the Respondent will give intimation of such deposit to the learned Counsel appearing for the applicant. Upon receipt of such intimation, the applicant – Ghevarchand Jain, through his advocate, will hand over keys and vacant and peaceful possession of the suit premises to Respondent Sardar Dharamsingh, again through the intervention of his advocate. Once the keys and possession is handed over, applicant – Ghevarchand Jain will be entitled to withdraw the amount of Rs.1,25,000/- (Rs. One Lakh Twenty Five Thousand), deposited by the Respondent in this Court. Necessary receipt of possession shall be issued by the Respondent to the applicant.

5 Upon receipt of Rs.1,25,000/-, the applicant will have no claims against the Respondent or against the suit premises. Upon receipt of vacant and peaceful possession of the suit premises, by the Respondent, the Respondent will have no claims

as against the applicant.

6 The applicant, who is present in the Court, confirms that he is presently in possession of the suit premises and he has not inducted any third party or created any third party rights. He states that this position will be continued until vacant and peaceful possession of the suit premises is handed over to the Respondent as against receipt of Rs.1,25,000/-.

7 Civil Revision Application is disposed of in the aforesaid terms on the basis of aforesaid agreement arrived at between the parties.

8 It is made clear that even if the Respondent deposits amount of Rs.1,25,000/- within fifteen days from today, the applicant will be at liberty to continue in possession of the suit premises until 14th February, 2018.

9 Civil Revision Application is disposed of in aforesaid terms. No costs.

M.S.SONAK
JUDGE

adb