

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
CIVIL REVISION APPLICATION NO.242 OF 2017

Kapurchand s/o Khemchand Bafana Applicant

Versus

Ajaykumar s/o Madhukar Sisode
and another Respondents

Mr.R.M.Deshmukh, advocate for the Applicant.
Mr.S.P.Shah, advocate for Respondent No.1.

CORAM : M.S.SONAK, J.
DATE : 08th January, 2018.

P.C. :

1 Heard Mr.R.M.Deshmukh, learned Counsel for the applicant and Mr.S.P.Shah, learned Counsel for Respondent No.1.

2 After this matter was heard for some time, Mr.Deshmukh, learned Counsel for the applicant, on the basis of instructions from the applicant Kapurchand s/o Khemchand Bafana, who is present in the Court, seeks leave not to press the Civil Revision Application but prays that the applicant be granted six months' time to vacate the suit premises and hand over peaceful and vacant possession of the same to the Respondents-landlords.

3 Mr.Shah, learned Counsel for Respondent No.1-landlord, states that the respondent-landlord has no objection to any such arrangement provided, the applicant files an undertaking before this Court that peaceful and vacant possession of the suit premises will be positively delivered to Respondents-landlords on or before 30th June, 2018.

4 The Civil Revision Application is, therefore, dismissed as not pressed. However, the eviction decrees, impugned in this Revision Application, will not be put to execution until 30th June, 2018, provided, the applicant, within a period of two weeks from today, files an undertaking in this Court in the usual terms. The undertaking to state with clarity by the precise number of persons staying in the suit premises at present, that no third party rights would be created nor the suit premises would be parted and further that peaceful and vacant possession of the suit premises will be handed over to the Respondents-landlords on or before 30th June, 2018. Copy of such undertaking to be furnished to the learned Counsel for Respondents-landlords before the same is filed in the Registry.

5 If no such undertaking is filed within two weeks from today, the Respondents-landlords has liberty to execute the eviction decrees. However, if such undertaking is filed within two weeks, then, same shall be deemed to have been accepted as an undertaking to this Court. On such basis, execution of the eviction decrees shall stand deferred until 30th June, 2018. In case, there is an occasion to file execution, it is made clear that the

same would be without prejudice to the respondents to take suitable action under the Contempt of Courts Act to be initiated against the applicant.

6 The Revision is disposed of in aforesaid terms. There shall be no order as to costs.

M.S.SONAK
JUDGE

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