

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

CIVIL REVISION APPLICATION NO.218 OF 2018

Harichandra Sandipan Adekar	]	Petitioner
Vs.		
Bhagwan Nagnath Sadare and others	]	Respondents

.....
Mr. Prabhanjan Gujar, for Applicant.
Mr. Surel S. Shah, for Respondent.

.....
CORAM : R.G. KETKAR, J.

DATE : 8TH AUGUST, 2018.

P.C.

Heard Mr. Gujar, learned Counsel for the applicant and Mr. Shah, learned Counsel for the respondent at length.

2. Mr. Gujar prayed for leave to amend clause (a) of the undertaking filed by the applicant dated 8th August, 2018 by adding the following sentence;
“and no one else is in possession of the suit premises”

Leave as prayed for is granted. Amendment shall be carried out forthwith.

3. Perused the orders dated 25th June, 2018 and 30th July, 2018. Mr. Gujar submits that in pursuance of the order dated 30th July, 2018, applicant, respondent No.3 as also Ramesh Pandurang Ket, who is Manager in Hotel Shree Swami Samarth are present in the Court. He has tendered undertakings of the applicant, respondent No.3 and Mr. Ramesh Ket together with photo copies of their Adhaar Cards which are taken on record and marked “A”, “B” and “C” respectively. Mr. Gujar submits that in the undertaking filed by the applicant, it is specifically stated in clause 5 (a) that only he is in possession of the suit premises and no one else is in possession of the suit premises.

4. Mr. Gujar further submits that decree was passed against respondent No.2/defendant No.2. He did not challenge the decree by filing appeal and in fact, in the appeal preferred by the applicant, despite service, he remained absent. Undertakings given by the applicant, respondent No.3 and Ramesh Ket are accepted and applicant is given time to vacate the suit premises on or before 30th June, 2019 for handing over possession to the first respondent. In case, possession is not handed over by the applicant on 30th June, 2019 and/or any obstruction is caused by respondent No.2 or anybody else, respondent No.1 would be at liberty to implement this order by taking Police assistance of Balives Police Station at Solapur. Officials attached to this Police Station shall render full assistance for executing this order and shall dispossess whosoever is found in possession. In case, the suit premises is found locked, Police Officials shall break open the lock and hand over possession to the first respondent.

5. In view thereof, in the light of the undertakings, C.R.A is disposed of. Eviction decree shall not be executed up to 30th June, 2019. Respondent No.1 will communicate arrears of rent within one week from today and the applicant shall pay arrears within two weeks thereafter. Liberty to respondent No.1 to apply in case of default.

[R.G. KETKAR, J.]