

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.369 OF 2018

Babasaheb Dashrath Chavan	...Petitioner
vs.	
Abdul Salam Jainoddin Shaikh	...Respondent

Mr. S.S. Shah, for the Petitioner
Ms. Shruti Tulpule, for the Respondent

CORAM : M. S. SONAK, J.

DATE : DECEMBER 13, 2018

P.C.:

. After this matter was argued for some time, the learned counsel for the parties on the basis of instruction from the parties stated that this Civil Revision Application can be disposed of with the following order.

(a) The Applicant shall continue to reside in house bearing C.S.No. 8496/3b consisting of 2 rooms and 2 passages, east passage (8' x 14') and western room (12' x 14') situated in Murarji Peth, Solapur till 01.06.2020 subject to payment of Rs. 1,000/- per month payable on the 10th of every month, to the Respondent, subject to filing separate undertakings of the occupants, incorporating the following terms;

(i) That the Applicant and all adult family members including

his wife are in possession of the tenanted premises and that nobody else in possession;

(ii) That the Applicant and his wife have neither created any third party interest nor parted with possession;

(iii) That the Applicant and his wife will hereafter neither create third party interests nor part with possession;

(iv) That the Applicant and his wife will clear arrears of rent, if any, within 4 weeks from today;

(v) That the Applicant and his wife shall continue to pay Rs. 1,000/- per month to the Respondent till they vacate the premises on or before 01.06.2020. That the Applicant and his wife shall not default in the said payment.

(b) Additionally the Applicant undertakes to pay the Respondent, Rs. 14,000/- calculated at the rate of Rs. 1,000/- per month, payable for the 14 months from November, 2017 to December, 2018 within 4 weeks;

(c) In the event that the Applicant fails to pay the agreed monthly amount consecutively for 3 months, then the Respondent shall be at liberty to move the executing Court, and prosecute pending Darkhast NO. 23 of 2018.

2. The undertaking now given through the advocate are accepted. Similarly, the undertakings given are accepted as undertaking to this Court. Therefore, it is made clear that in case of breach of undertaking, then, without prejudice to the rights of Respondent to seek execution of eviction decree, the Applicant may also be answerable for the contempt.

3. In view of this, Civil Revision Application is disposed of.

(M. S. SONAK, J.)