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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.513 OF 2018

Kishori K. Bhandari	...	Petitioner
V/s.		
Suman Baburao Hatkar	...	Respondent

Mr. Suresh M. Kamble, for the Petitioner.
Mr. Hemant Ghadigaonkar, for the Respondent.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 22nd MARCH, 2018.

P.C. :

1] Heard learned counsel for the petitioner and respondent.

2] Learned counsel for the petitioner submits that he is not pressing any other relief except prayer clause (c) that the period to hand over the possession of the suit premises be extended for a period of five months that is till the end of May, 2018. It is submitted by learned counsel for the petitioner that the children of the petitioner are studying in 10th and 12th Std, and their examinations will be over by the end of March, 2018 and therefore, she be given breathing time to shift in the alternate accommodation.

3] Learned counsel for respondent, however, points out that the trial Court has already granted period of three weeks by its order

dated 7.12.2017. Despite that the petitioner has not vacated the suit premises and hence now, she cannot be entitled to get the period extended especially when the respondent has already deposited the entire amount of consideration and he is being deprived from the possession of the suit premises as well as the amount of interest which may be chargeable on the said amount.

4] I have given my thoughtful consideration to the submissions advanced by learned counsel for the petitioner and respondent. Having regard to the limited prayer made by learned counsel for the petitioner and considering that children of the petitioner are studying in 10th and 12th Std and their examinations will get over by the end of March, 2018, the period upto the end of April, 2018 will be more than sufficient for the petitioner to get breathing time to shift to alternate premises.

5] Accordingly this writ petition is disposed off by passing following order.

6] The petitioner is granted time upto 30th April, 2018 to hand over vacant and peaceful possession of the suit premises to the respondent, subject to petitioner's filing an affidavit-cum-undertaking to the effect that the petitioner will hand over vacant and peaceful possession of the suit premises upto 30th April, 2018 and during the said period, she will not create any third party rights in the suit

property.

7] The petitioner to file such affidavit-cum-undertaking within a week from the date of this order.

8] It is made clear that in no case, this period will be extended further.

[DR.SHALINI PHANSALKAR-JOSHI, J.]