

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION NO.713 OF 2018
IN
WRIT PETITION NO.5865 OF 1998**

M/s. Indian Scientific Glass Industries] Applicant

IN THE MATTER BETWEEN

M/s. Indian Scientific Glass Industries] Petitioner

Vs.

M.K. Mahipalsingh] Respondent

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Mr. Ravi Suryawanshi a/w Shriniket Deshpande i/b Naik Naik & Co., for Applicant.

Mr. S. N. Vaishnav a/w Ms. Nupur J. Mukharjee i/b K.S. Vakil, for Respondent.

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CORAM : R.G. KETKAR, J.

DATE : 20TH MARCH, 2018.

P.C.

Not on board. At the request of Mr. Suryawanshi, taken up in the production board.

2. Heard Mr. Suryawanshi, learned Counsel for the Applicant and Mr. Vaishnav, learned Counsel for the Respondent.

3. By this application, the applicant has sought extension of time up to 30th April, 2018 for handing over possession of Flat No.12 on the 3rd floor of the building known as "Park View" situate at Little Gibbs Road, Malbar Hill, Mumbai – 400 006 along with garage (for short 'suit premises'). In paragraph

8 of the application, the applicant has asserted that he does not wish to challenge the order dated 22nd January, 2018 passed by this Court in Writ Petition No.5865 of 1998. The applicant has tendered undertaking dated 16th March, 2018 of ;

1(a)Mr. Krishna Kumar Khemka

1(b)Mr. Sandeep Khemka

1(c)Mr. Utsav Khemka

1(d)Mrs. Pushpa Khemka and

1(e)Mrs. Sujata Khemka

which is taken on record and and marked 'X' for identification. Mr. Suryawanshi states that the persons who have given undertakings are present in the Court.

4. In paragraph 8 of the Undertaking, they have undertaken that they will not challenge the order dated 22nd January, 2018 passed in Writ Petition No.5865 of 2018 before the Apex Court. Undertakings given are accepted. Time stipulated in paragraph 39 of the order dated 22nd January, 2018 is enlarged up to 30th April, 2018. Civil Application is disposed accordingly. It is made clear that liberty is reserved to the respondent to claim mesne profits in accordance with law. Order accordingly.

[R.G. KETKAR, J.]