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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9630 OF 2018

Pravin Vishwanath Kondewar

..Petitioner.

V/s.

Avinash Tukaram Nalbilwar & Ors.

..Respondents.

Mr.S.A.Tarale for the petitioner.

Mr.Ajay A.Joshi for the respondents.

CORAM: M.S.SONAK, J.

DATE : DECEMBER 12, 2018

P.C.:-

After the matter was argued for some time, learned counsel for the petitioner, on the basis of instructions from the petitioner who is present in the Court, seeks leave to withdraw the petition. However, learned counsel for the petitioner on behalf of the petitioner makes a request that the decree may not be executed for a period of 6 months from today as such time is necessary for the petitioner to make alternate arrangements.

2. Learned counsel for the respondents, on the basis of

instructions from the respondents, accepts the aforesaid proposal subject, no doubt, to the petitioner filing the usual undertaking and paying compensation at the rate of Rs.2,000/- per month.

3. Accordingly, this petition is disposed of with the following order:-

A. Leave is granted to withdraw this petition and the same is dismissed as withdrawn;

B. The decree of eviction, which has attained finality, shall however not be executed for a period of 6 months from today, subject to the fulfilment of the following conditions:-

(a) The petitioner shall file an undertaking in this Court within one week from stating stating that only he and his family members are in possession of the suit premises and that he or they shall not part with the possession of the suit premises or create any third party rights thereon;

(b) The undertaking shall also state that the petitioner and his family members shall vacate and hand over the peaceful and vacant possession of the suit premises to the respondents on or before June 12, 2019. A copy of

the undertaking to be furnished in advance to the learned counsel appearing for the respondents;

- (c) If the aforesaid undertaking is not filed within one week from today, then, the respondents shall be at liberty to execute the original decree in accordance with law;
- (d) The petitioner shall pay / deposit in this Court compensation at the rate of Rs.2,000/- on or before fifth of each succeeding month.
- (e) The arrears of rent from January 1, 2004 shall also be deposited latest by January 31, 2019. If this is not done, again, the respondents shall be at liberty to execute the eviction decree and take out appropriate proceedings for recovery of arrears as well. If the amounts are deposited in this Court, the respondents shall be at liberty to withdraw the same unconditionally;

All concerned to act on an authenticated copy of this order.

(M.S.SONAK, J.)