

Shailaja

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL APPLICATION NO.469 OF 2017
IN
CIVIL REVISION APPLICATION NO.175 OF 2014
WITH
CIVIL APPLICATION NO.470 OF 2017
IN
CIVIL REVISION APPLICATION NO.176 OF 2014**

Hindustan Petroleum Corporation Ltd.] Applicant

Vs.

Sadiq Ali Abdulla Merchant & Ors.] Respondents

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Mr. G.S. Godbole, Sr. Advocate i/b Ms. Pallavi Dabholkar, for Applicant.
Mr. V.Y. Sanglikar, for Respondents.

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CORAM : R.G. KETKAR, J.

DATE : 10TH APRIL, 2018

P.C.

Heard Mr. Godbole, learned Senior Counsel for the applicant and
Mr. Sanglikar, learned Counsel for the respondents.

2. Leave to amend so as to substitute respondent No.2 by respondents No.2(a) to 2(c) as also to substitute the words “not to sell” in paragraph 4 by the words “not to challenge” granted. Amendment shall be carried out forthwith.

3. By these applications, the applicant has prayed for time for vacating the suit premises and removing installation in the suit premises up to

31st December, 2018. In paragraph 4, the applicant states that the management has taken decision not to challenge the judgment dated 12th October, 2017 passed by this Court (Coram: M.S. Sonak, J.) in C.R.A's No.176 of 2014, 175 of 2014, 169 of 2014 and 170 of 2014 before the Apex Court. The statement in paragraph 4 of the applications is taken in the form of undertaking. Mr. Godbole has tendered undertaking dated 10th April, 2018 given by Saroj Kumar Behera, authorized signatory of the applicant. Undertaking is accepted and marked "X" for identification.

4. Learned Counsel for the parties have tendered Minutes of the order dated 10th April, 2018 signed by them. The same are taken on record along with statements of payments to be made by the applicant and marked as "Y Colly" for identification.

5. In view thereof, the applicant is given time for vacating the suit premises as also for removing installation and for handing over vacant and peaceful possession of the suit premises up to 31st December, 2018 to the respondent. Learned Counsel for the parties submit that cheques will be drawn separately in favour of;

[1]Sadiq Ali Merchant

[2]Reshma Merchant

[3]Safia Gulam Mohamed Dhabbi/Merchant

[4]Sabira Mohamed Hanif Aibani

[5]Abida Abdul Razzak Pettiwalla

and will be handed over to Mr. Sanglikar.

6. Civil Applications are disposed of. Order accordingly.

[R.G. KETKAR, J.]