

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Revision Application NO. 254 OF 2018

Shri Chandrabhaga Balkrishna Chavan
And Others

...Applicants

Versus

Smt. Vasundhara Narayan Savarkar
And others.

...Respondents

....

Mr. P.D. Dalvi, Advocate for the Applicants.

Mr. G. R. Agarwal, Advocate for the Respondents.

....

CORAM : R. G. KETKAR, J.

DATE : 27th AUGUST, 2018

P.C.

1. Heard Mr.P.D. Dalvi, learned counsel for the applicants and Mr. G.R. Agarwal, learned counsel for the respondents.

2. By this application under Section 115 of the Code of Civil Procedure, 1908 (for short, 'C.P.C.'), the applicants, hereinafter referred to as the 'defendants' have challenged the judgment and decree dated 29.2.2016 passed by the learned 6th Jt. Civil Judge, Junior Division, Nashik in Regular Civil Suit No.459/2008 as also the judgment and decree dated 25.9.2017 passed by the learned District Judge-7, Nashik in Civil Appeal No.317/2016. By these orders, the Courts below decreed the suit instituted by the respondents, hereinafter referred to as the 'plaintiffs', under Sections 15 and 16(1)(g) of the Maharashtra Rent Control Act, 1999 (for short, 'Act'). The Courts below also answered the question of

comparative hardship in favour of the plaintiffs.

3. Mr. Dalvi states that applicant No.5 – Shri Abhiman Ramesh Chavan is present in the Court. He has tendered a photo-copy of his driving licence, which is taken on record and marked 'A' for identification. He further states that applicant No.5 is authorized to make statement on behalf of applicants No.1 to 4 and 6. Upon taking instructions from him, Mr. Dalvi submits that the applicants will not press this application if time of one year to vacate and hand over possession of the suit premises is given to them. He assures that the applicants and all adult family members residing in the suit premises will file usual undertaking in this Court within three weeks from today, incorporating therein that :

- i. they are in possession and nobody else is in possession of the suit premises;
- ii. they have neither created third party interest nor parted with possession of the suit premises;
- iii. they will hereafter neither create third party interest nor part with possession of the suit premises;
- iv. they will deposit the entire arrears of rent, if any, in this Court within three weeks from today; and
- v. they will vacate and handover possession of the suit premises to the plaintiffs on or before 31.8.2019.

4. In view thereof, Civil Revision Application is disposed of as not pressed in the following terms :

- i. The defendants accept the correctness of the impugned orders. They accept that their tenancy is extinguished.
- ii. They will file undertaking, in the aforesaid terms, within three weeks' from today with advance copy to other side. Upon filing of the undertaking, eviction decree shall not be executed till 31.8.2019.
- iii. The defendants will handover vacant and peaceful possession of the suit premises to the plaintiffs on or before 31.8.2019 and will not seek further extension of time. Order accordingly.

5. List the application for reporting compliance on 24.9.2018.

(R. G. KETKAR, J.)

Deshmane (PS)

Pradipkumar
Prakashrao
Deshmane
Digitally signed
by Pradipkumar
Prakashrao
Deshmane
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