

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

936 CRA NO.47 OF 2019
WITH
CA/12771/2018 IN CRA/47/2019

KANHA UDDHAVRAO PATTEWAR LRS PREMA AND OTHERS
VERSUS
CHANDULAL SUKHRAJ BANTHIYA AND OTHERS

...

Advocate for Petitioners : Mr. Manale Satish S
Mr. Ramesh R. Imale, Adv. for R/ 1 & 2.

CORAM : P.R. BORA, J.
DATED : 27th March, 2019.

PER COURT:-

1. When the present revision is taken up for hearing and after arguments of learned counsel appearing for the parties were heard for some time, learned counsel for the revision applicants, on instructions, submitted that the applicants undertake to vacate the suit premises within a period of eight months from today and in the circumstances, prayed for staying the execution of the decree for the said period. It is further submitted that the revision applicants are ready to file an undertaking in that regard, on usual terms, that they, - will keep the suit premises in a good condition; will not cause any damages or alteration to the suit premises; will pay the entire arrears of rent and will continue to pay the

monthly rent and taxes till the the said period.

2. Learned counsel for the respondents have opposed the proposal so made on behalf of the revision applicants. The learned counsel submitted that, in fact, the applicants are not running the shop in the tenanted premises since last about one year and the premises are simply kept locked. The learned counsel submitted that in such circumstances, unreasonable period has been asked for by the applicants for vacating the suit premises. The learned counsel, on instructions, submitted that period of three months may be provided to the applicants to vacate the suit premises for which the landlord may not have any objection.

3. After having considered the submissions made on behalf of the learned counsel appearing for the parties, it appears to me that the period, as has been sought by the applicants for vacating the suit premises and the period, as has been offered by the landlord to the tenant for vacating the premises, both are to some extent unreasonable. It appears to me that when the tenant has now decided to vacate the suit premises, reasonable time needs

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to be granted to him to search an alternate premises, if at all he wants to carry on his business. In the circumstances, it appears to me that the period of six months will be adequate period for the revision applicants to vacate the suit premises.

4. In the circumstances, it is directed that the applicant-tenant shall file an undertaking before the Executing Court by incorporating the usual terms therein as about keeping the tenanted premises in good condition; to pay the arrears of rent and taxes as well as rent and taxes of further period regularly without any default; clear all the dues of electricity etc. Such undertaking be furnished within fifteen days from today.

5. In view of the above, the following order is passed, -

ORDER

i. The decree of eviction passed in favour of respondents is confirmed. However, subject to filing of undertaking as mentioned in para 4 of the order, the execution of the eviction decree passed in favour of the respondents in the

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present revision, on 22nd March, 2012, which has been confirmed by the appellate court, shall stand suspended for the period of six months from the date of this order.

ii. The revision application stands disposed of in the aforesaid terms.

iii. Pending civil application, if any, stands disposed of.

(P.R. BORA)
JUDGE

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