

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE JURISDICTION
CIVIL REVISION APPLICATION NO.52 OF 2019

Yashodabai Raghunath Kamble	]	Applicant
Vs.		
Sadashiv Balbhim Gavali & Ors.	]	Respondents

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Mr. Ashutosh M. Kulkarni, Advocate for the Applicant.
Mr. R.S. Alange, Advocate for the Respondents.

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CORAM : R.G. KETKAR, J.

DATE : 10th JULY, 2019.

P.C.

Heard Mr. Kulkarni, learned Counsel for the applicant and Mr. Alange, 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 applicant, hereinafter referred to as 'defendant' has challenged the judgment and decree dated 23th October, 2018 passed by the learned District Judge-7, Solapur in Regular Civil Appeal No.54 of 2015. By that order, the learned District Judge allowed the appeal preferred by the respondents, hereinafter referred to as 'plaintiffs' and set aside the judgment and decree dated 12th November, 2014 passed by the learned 4th Joint Civil Judge, Senior Division, Solapur in Civil Suit No.505 of 2008 dismissing the suit. The learned District Judge decreed the suit and directed the defendant to hand over vacant and peaceful possession of one Room admeasuring 80 square feet situate in House No.228, Forest Solapur C.T.S

No.8267, more particularly, described in paragraph 1 of the plaint to the plaintiffs.

3. The application was heard on 12th June, 2019. Statement made by Mr. Kulkarni on instructions of grandson of the applicant Mr. Indrajeet Kamble that the applicant will not press this C.R.A if one years time is given to her to vacate the suit premises and hand over it to the plaintiffs was recorded. Assurance of Mr. Kulkarni that the applicant will file undertaking in terms of paragraph 3 of the order on or before the next date was also recorded.

4. In view thereof, notice was issued to the respondents/plaintiffs. The applicant was directed to file undertaking in terms of paragraph 3 of the order dated 12th June, 2019.

5. Accordingly, the applicant has filed undertaking dated 8th July, 2019, which is taken on record and marked 'X' for identification. The applicant has undertaken to deposit arrears of rent of Rs.2010/- within two weeks from today in the District Court, Solapur. She has also undertaken to directly pay the rent on or before 10th day of the months of which rent is due and payable till handing over possession of the suit premises i.e till 11th June, 2020 to the respondents.

6. Mr. Alange, on instructions, states that the respondents have no objection for giving one years time to the applicant for vacating and handing over possession of the suit premises. He further states that the respondents may be permitted to withdraw the arrears of rent of Rs.2010/- from the District Court, Solapur unconditionally. Undertaking of the applicant is accepted. The tenancy rights of the applicant in the suit premises are extinguished. The applicant accepts correctness of the impugned order. She will hand over vacant

and peaceful possession of the suit premises to the respondents on or before 11th June, 2020. The respondents are permitted to withdraw Rs.2010/- proposed to be deposited by the applicant in the District Court, Solapur unconditionally. C.R.A is disposed of as not pressed in the aforesaid terms.

7. All the parties to act upon the authenticated copy of this order.

[R.G. KETKAR, J.]