

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.139 OF 2019

M/s. Bharat Bangals Stores through its
owner Pratap Jindatt Achalare ... Applicant
Vs.
Bahubali Gulabchand Gandhi (decd) through LRs ... Respondents

Mr. Shashank C. Mangle for Applicant.
Mr. Surel S. Shah for Respondents.

CORAM : R. G. KETKAR, J.
DATE : FEBRUARY 20, 2019

P.C. :

Not on Board. At the request of Mr. Mangle, taken up in the production Board.

2. Heard Mr. Mangle, learned Counsel for the applicant and Mr. Shah, learned Counsel for the respondents.

3. Mr. Mangle states that Mr. Pratap Jindatt Achalare, partner of the applicant is present in the Court. He has tendered photocopy of his Aadhar Card, which is taken on record and marked 'A' for identification. Mr. Shah states that respondents No.A and B, namely, Ajit Bahubali Gandhi and Swati Subhash Shah are present in the Court. He has tendered photocopies of their Aadhar Cards, which are taken on record and marked 'B colly.' for identification. Mr. Mangle has tendered undertakings of Pratap Jindatt Achalare and Ashish Pratap Achalare along with copy of his Aadhar Card, both, dated 20.02.2019. The same are taken on record and marked 'C colly.' for identification. He assures that within two weeks from today, undertakings of remaining four members, namely, (i) Abhijit Pratap Achalare, (ii) Ujwala Pratap Achalare, (iii) Gauri Asish Achalare, and (iv) Shalaka Abhijit Achalare,

will be filed in this Court with advance copy to the other side. The applicant has given undertaking to handover vacant and peaceful possession of the suit premises on 19.02.2021 to the respondents without creating any third party right and / or without parting with possession of the suit premises. The undertakings dated 20.02.2019 of Pratap Jindatt Achalare and Ashish Pratap Achalare, marked 'C colly.', are accepted. Undertakings of remaining four shall be filed on or before 05.03.2019.

4. On instructions, Mr. Mangle seeks permission to withdraw this C.R.A.

5. It is agreed between the parties that the entire arrears covering the period upto 19.02.2021 is paid to the respondents.

6. In view thereof, C.R.A. is allowed to be withdrawn and is disposed of as such.

7. List the Application for 'reporting compliance' on 12.03.2019.

(R. G. KETKAR, J.)

Minal Parab