

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2219 OF 2006

Shrikant Dattatraya Deshpande	...Petitioner
<i>Versus</i>	
Shalini Waman Bhat & Ors.	...Respondents

WITH

CIVIL APPLICATION NO. 435 OF 2007

IN

WRIT PETITION NO. 2219 OF 2006

Shalini Waman Bhat	...Petitioner
<i>Versus</i>	
Shrikant Dattatraya Deshpande & Ors.	...Respondents

Mayur Joglekar i/b D. J. Bhanage - Advocate for the petitioner.
Sandeep M. Phatak – Advocate for the respondent .

CORAM : DAMA SESHADRI NAIDU, J.

DATE : 13th September 2019.

P.C. :

At this juncture, after the judgment was pronounced, the petitioner's counsel—instructed by the petitioner, who is present in the Court—has submitted that the petitioner does not intend to challenge the judgment before the Supreme Court. Instead, he wants eight months to surrender the possession to the respondent-owner.

2. When I put this request to the respondent's counsel, he has, on instructions from the respondent present in the Court, submitted that the respondent is willing to give five months' time. When I persuaded, both the parties have agreed for six months.

3. The owners' counsel has, however, submitted that this order must have a default clause: if the petitioner does not surrender the

licensed property as he has undertaken now, this Court may observe that on the owner's approach, the trial Court shall provide the warrant of eviction along with police aid. Indeed, the petitioner himself submits before me that such a contingency as the owner apprehends is not going to arise.

Yet, only to ensure that the respondent-owner will have the satisfaction of having the execution swiftly on the tenants' *unlikely* default, I hold that on the owner's approach, the Executing Court will keep these observations in mind.

[DAMA SESHADRI NAIDU, J.]