

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

CIVIL REVISION APPLICATION NO. 488 OF 2019

Sohanlal M. Solanki	...	Applicant
V/s.		
Avinashkumar Ramanand Gupta & Anr.	...	Respondents

Mr.Amol Wagh i/b. Mr.Sagar Kasar for Applicant.
Mr.PK. Shetty for Respondents.

CORAM : A.S. GADKARI, J.

DATE : 12th December 2019.

PC. :

1] After hearing the learned counsel for the applicant at length, when this Court expressed its disinclination to grant any relief, the learned counsel, on instructions from the applicant who is personally present in the Court, seeks leave to withdraw the present Application with liberty to vacate and handover vacant and peaceful possession of the suit property to the respondent within a period of three months from today. The learned counsel for the applicant, on instructions, further submitted that, till date the applicant has not created third party right, title or interest in the suit property.

Leave and liberty granted.

2] In view thereof, the applicant is directed to file Affidavit-cum-undertaking in the Registry of this Court within a period of two weeks from

today, mentioning the following contents:-

- “(i) The name of applicant himself along with his family members residing in the suit premises shall be incorporated in the said undertaking.*
- (ii) That, the applicant will not create any third party right, title or interest in the suit premises till he handover vacant and peaceful possession to the respondents within the stipulated period.*
- (iii) The applicant shall also file undertaking of all the adult members residing along with him in the suit premises with aforestated clause (i) and (ii) within a period of two weeks from today.”*

3] If the applicant fails to file the said Affidavit-cum-undertaking within a period of two weeks from today in the Registry of this Court, the respondents will be at liberty to execute the decree passed by the Trial Court and confirmed by the Appellate Court.

4] It is further made clear that, the applicant shall handover vacant, peaceful possession of the suit property to the respondent without any protest and/or demur on or before expiry of the 3rd month from today.

5] The Revision Application is dismissed as withdrawn with the aforesaid directions.

[A.S. GADKARI, J.]