

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION (ST.) NO.13154 OF 2019

(Dharmendra Rajaram Dhivar and others Vs. Shamim Ibrahim Botawala and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders, or directions, and Registrar's Orders	Court's or Judge's orders
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Ms Rehana Begum for Applicants.
Mr. Mohd. Shoeb i/b. Judicare Law Asso. for Respondents
No.1, 3 and 5.

CORAM : R. G. KETKAR, J.

DATE : 24TH JUNE, 2019

P.C.:

Heard Ms Begum, learned Counsel for the applicants and Mr. Shoeb, learned Counsel for the respondents No.1, 3 and 5.

2. C.R.A. was dismissed on 02.05.2019 when Ms Begum stated that applicants will not press this Application in case time of one year to vacate the suit premises is granted. Assurance on behalf of the applicants that applicants and all adult family members residing in the suit premises will give undertaking on or before 14.06.2019 in terms of paragraph 17 was recorded. In paragraph 18, it was made clear that in case the applicants and defendants No.2 to 5 are not willing to file the undertaking in terms of paragraph 17 within the stipulated time, the eviction decree shall not be executed for a period

of three months so as to enable the applicants to challenge this order before the higher Court. The applicants were restrained from creating third party interest or parting with possession and that they were to hand over vacant and peaceful possession of the suit premises to the plaintiffs after expiry of three months unless suitable order is obtained from the higher Court.

3. Ms Begum states that applicants are pressing this C.R.A. and therefore, they are not willing to file undertaking.

4. The matter was kept on 17.06.2019 for 'reporting compliance'. As undertaking is not filed and it was also not clarified as to whether applicants are ready and willing to file undertaking, the matter was adjourned till today. As the applicants are not ready and willing to file undertaking, eviction decree shall not be executed for a period of 3 months as recorded in paragraph 18 of the order. The applicants are restrained from creating third party interest or parting with possession. They will handover vacant and peaceful possession of the suit premises to the plaintiffs after expiry of three months unless they obtain suitable order from the higher Court. No further orders are necessary.

(R. G. KETKAR, J.)