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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8876 OF 2019

Jagdish Sodha ...Petitioner

vs

Dipak S. Choksi And Anr. ...Respondents

.....

Mr. Manoj Sonavane, h/f. Satyam R. Dubey, for the Petitioner.

Mr. V.M. Joshi, for the Respondents.

.....

CORAM : S.C. GUPTA, J.

DATED: AUGUST 14, 2019

P.C. :

. After the matter is heard at some length, learned Counsel for the Petitioner (original Respondent before the Additional Commissioner, Konkan Division, Mumbai and Competent Authority Bandra Mumbai in the original eviction proceeding) submits that his client does not propose to press the petition, but some reasonable time may be given to his client to vacate the suit premises.

2. The premises have been occupied by the Petitioner under a leave and licence agreement, after expiry of which the Petitioner did not surrender possession of the premises. An application was, in the premises, filed under Section 24 of the Maharashtra Rent Control Act, 1999 by the Respondents, who were the licensors, before the competent authority. In the absence of a written statement, the competent authority

passed an eviction order, refusing to allow the Petitioner's application for condonation of delay in filing the written statement. The Petitioner, thereupon, filed a revision petition before the Additional Commissioner, Konkan Division. On that application, the Additional Commissioner stayed the decree of possession on the condition of deposit of Rs.2,40,000/-, which was the interim compensation fixed by the impugned order, within a period of seven days. The Petitioner did not pay this amount and, as a result, further stay of the order of recovery of possession was refused.

3. Considering the fact that the Petitioner is not pressing the writ petition and instead applies for reasonable time to vacate offering a suitable undertaking to that effect and considering the fact that monsoon is presently under way, six weeks' time is granted to the Petitioner to vacate the premises.

4. Accordingly, the following order is passed :

(i) Writ Petition No.8876 of 2019 is disposed of as not pressed.

(ii) The Petitioner undertakes to the Court to vacate the suit premises, being Flat No.10, Third floor, Darshan Friends Co-operative Housing Society Ltd., North South Road No.6, J.V.P.D. Scheme, Vile Parle (West), Mumbai, within a period of six weeks from today. Learned Counsel for the Petitioner assures the Court that a formal undertaking to that effect shall be filed in the Court within a period of one week from today. Such undertaking shall be filed on behalf of the Petitioner and all

his family members, who are occupying the suit premises.

(iii) The statement and undertaking are accepted.

Smita
Gonsalves

Digitally signed by
Smita Gonsalves
Date: 2019.08.20
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(S.C. GUPTE, J.)