

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

CIVIL APPLICATION NO.410 OF 2019

IN

WRIT PETITION NO.457 OF 1999

Bhagatsingh S/o. Sadhusingh Jina (deceased)	]	
Through his Heirs and Legal Representatives	]	
Deepa Bhagatsingh Jina and others.	]	Applicants
Vs.		
Bhojraj Joshi alias Bandu Joshi	]	Respondent

.....

Mr. R.V. Desai, Senior Advocate i/b KRP Legal, for the Applicants.

Mr. Shishir Joshi a/w Priti Joshi i/b Manish Upadhye, for the Respondent

.....

CORAM : R.G. KETKAR, J.

DATE : 29TH MARCH, 2019.

P.C.

Heard Mr. Desai, learned Senior Counsel for the applicants and Mr. Joshi, learned Counsel for the respondent.

2. Perused the order dated 12th March, 2019. In pursuance thereof, the respondent has filed undertaking dated 22nd March, 2019 to the effect that in case, the petitioners succeed in the main Petition, he will restore possession of the suit premises to them. The respondent has further given undertaking that in case the petitioners succeeds in the main Petition, without relegating them to file proceedings under section 144 of the Code of Civil Procedure, 1908, he will restore possession of the suit premises to them. The said undertaking was required to be filed as it was brought to the notice of this Court that the respondent has already executed the decree on 14th March, 2019. Undertaking are accepted.

3. For the reasons stated in the application, C.A is allowed in terms of prayer clause (a). Writ Petition No.457 of 1999 is restored to its original position.

4. **List the Petition for final hearing on 5th April, 2019, to be listed in the supplementary board.**

[R.G. KETKAR, J.]