

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**CIVIL REVISION APPLICATION (STAMP) NO.24728 OF 2019
IN
APPEAL NO.218 OF 2018**

**ALONG WITH
CIVIL APPLICATION (STAMP) NO.24735 OF 2019
IN
CIVIL REVISION APPLICATION (STAMP) NO.24728 OF 2019**

Mr. Santosh Kumar Tiwari
S/o. Ramujagir Gherau Tiwari
Vs.
Phoenix Mill Pvt. Ltd & Ors.

....Applicant
....Respondents

.....

Mr. Prajot H. Jaggi, for the Applicant.
Mr. P.S. Dani, Senior Advocate a/w. Ms. Komal Joshi I/b. ALMT Legal,
for Respondent Nos.1 and 2a to 2d.

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CORAM : S.C.GUPTE, J.

DATE : 23 SEPTEMBER, 2019

P.C. :

1. Heard the learned counsel for the parties.
2. This civil revision application challenges an order passed by two Courts below in an eviction suit. The applicant is the original defendant. The respondents had filed the present suit for eviction of the applicant. It was the case of the respondents that the applicant

was merely a service licensee and that after termination of the service, he should be evicted from the premises. The suit was decreed and the decree was confirmed by the appellate Court. At the hearing of the civil revision application, learned counsel for the applicant submits that he should be granted four months time to vacate the suit premises. He further submits that if he is given time to vacate the suit premises, he would not press his application.

3. Learned counsel for Respondent Nos.1 and 2 has no objection to some reasonable time being granted to the Applicant to vacate the suit premises. Accordingly, the civil revision application is dismissed as not pressed. The applicant (original defendant) is given four months' time to vacate the suit premises.

4. Learned counsel for the applicant (original defendant) undertakes to the Court, on instructions from his client, who is present in Court and personally instructs the advocate, to vacate the suit premises, namely, Room Nos.2 and 4, Senapati Bapat Marg, Internal Pathway within Phoenix Mills Compound, within a period of four months from today. He also undertakes not to create any third party right in respect of the suit premises. As a matter of grace, it is agreed by learned counsel for the respondents that, in view of the aforesaid

undertakings given to this Court, the respondents would not press compliance with the order of this Court requiring the applicant to pay interim compensation. The order of compensation is, accordingly, recalled and the undertaking of the applicant to vacate the suit premises within four months from today and also in the meantime not to create any third party right in respect of the suit premises, is accepted.

5. In view of the disposal of the civil revision application, the civil application does not survive and is disposed of.

(S.C. GUPTE, J.)