

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

WRIT PETITION NO. 11152 OF 2019

Ram Tirth Ghanshyam Hingorani & Anr.	...	Petitioners
V/s.		
Archie D'Souza & Ors.	...	Respondents

Mr.Clive D'Souza for Petitioners.
Mr.Kunal Bhange for Respondent No.1.

CORAM : A.S. GADKARI, J.

DATE : 17th December 2019.

PC. :

1] After hearing the learned counsel for the petitioners at length, when this Court expressed its disinclination to grant any relief, the learned counsel, on instructions from the petitioners being represented by petitioner No.1, who is personally present in the Court, seeks leave to withdraw the present Petition unconditionally.

Leave granted.

2] Learned counsel for the petitioners, on instructions, further submitted that, the petitioners will vacate the suit premises within a period of three months from today without any protest or demur and will handover vacant and peaceful possession of the suit premises to the respondents within the same stipulated period. The said statement is accepted as an undertaking given to this Court.

3] Learned counsel for the petitioners, on instructions from the petitioner No.1 submitted that, the petitioner No.1 along with his family members is residing in the suit premises and nobody else is residing therein. He further, on instructions, submitted that, till date the petitioners have not created any third party right, title or interest in the suit property.

4] In view thereof, the petitioners are directed to file their individual undertakings in the Registry of this Court within a period of two weeks from today, mentioning the following clauses :-

- (i) That the petitioners are residing in the suit premises along with their family members.*
- (ii) That till date they have not created any third party right, title or interest in the suit property.*
- (iii) That the petitioners will also file undertakings of all adult members residing with them in the suit property contending the aforesaid clause Nos.(i) and (ii).*
- (iv) The petitioners shall also state that, they will handover vacant and peaceful possession of the suit property within a period of three months from today i.e. on or before 17th March 2020 without any demur or protest.*

5] Petition is dismissed as withdrawn in the aforesaid terms.

[A.S. GADKARI, J.]