

Tandle

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11116 OF 2019
WITH
WRIT PETITION NO. 12461 OF 2019

Dayashankar Jaikaran Yadav

... **Petitioner.**

Versus

Smt. Suman wd/o Sonu Dhondi

... **Respondent.**

.....

Mr. P. S. Thorat for Petitioner both the matters.

Mr. Kunal Bhangе for Respondent in WP/11116/2019.

.....

CORAM : A. S. GADKARI, J.

DATE : 10th DECEMBER, 2019

P. C. :

1. Heard learned counsel for the respective parties.
2. Mr. Bhangе, learned counsel appearing for the respondent submitted that, it is an admitted fact that, the Decree passed by the Trial Court has been executed by the respondent and the respondent is in possession of the premises. He further, on instructions submitted that, during the pendency of the Appeal No. 170 of 2017 preferred by the petitioner which is pending on the file of the Appellate Bench of the Small Causes Court at Mumbai, Bandra Bench, the respondent will not alienate and/or create any third party right, title or interest in the suit premises. The said statement is accepted as an undertaking given to this Court. In

view thereof, the grievance of the petitioner is taken care of.

3. The Appellate Bench of the Small Causes Court, at Bandra, Mumbai, seized of Appeal No. 170 of 2017, is hereby requested to expedite the hearing of the said Appeal and disposed it off preferably within a period of one year from today.

4. Both the Writ Petitions are accordingly disposed off.

(A. S. GADKARI, J.)