

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

CIVIL REVISION APPLICATION [STAMP] NO.34226 OF 2018

Khushru A. Tarapore and another.	]	Applicants
Vs.		
Rustomy Keki Mody	]	Respondents

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Ms. Frahnak D. Contractor, learned Counsel for the Applicants.

Mr. Munir M. Merchant, learned Counsel for the Respondents.

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CORAM : R.G. KETKAR, J.

DATE : 24th APRIL, 2019.

P.C.

Heard Ms. Contractor, learned Counsel for the applicants and Mr. Merchant, learned Counsel for the respondents.

2. Perused the earlier orders passed by this Court from time to time. The application was finally heard on 16th April, 2019 and was kept today so as to enable the applicants to file undertaking in conformity with the order dated 1st April, 2019. Accordingly, Ms. Contractor has tendered applicants' undertakings dated 19th April, 2019. The same is taken on record and marked 'A' for identification.

3. Mr. Merchant assures that within three months from today, the respondent will deposit Rs.10,00,000/- in this Court, under intimation in writing to the learned Counsel for the applicants. He assures that the respondent will not seek further extension of time for depositing this amount.

4. Ms. Contractor assures that on or before 30th September, 2019, the applicants will hand over vacant and peaceful possession of the suit premises

to the respondent and upon surrendering possession to the respondent, they may be permitted to withdraw amount of Rs.10,00,000/- deposited by the respondent in this Court.

5. Undertaking given by the applicants is accepted. The respondent shall deposit Rs.10,00,000/- in this Court on or before **31st July, 2019**.

6. In view thereof, C.R.A. is disposed of as 'not pressed' in the following terms;

- [1] The respondent shall deposit Rs.10,00,000/- in this Court on or before 31st July, 2019, under intimation in writing to the applicants' Advocate. The respondent shall not apply for extension of time for depositing Rs.10,00,000/- in this Court.
- [2] The applicants shall hand over vacant and peaceful possession of the suit premises to the respondent on or before 30th September, 2019. The applicants shall not apply for further extension of time for handing over possession of the suit premises to the respondent.
- [3] Upon handing over possession of the suit premises to the respondent, the applicants are permitted to withdraw Rs.10,00,000/- deposited by the respondent in this Court unconditionally.

Order accordingly.

7. All the parties to act upon the authenticated copy of this order.

8. **List the Application for reporting compliance on 8th August, 2019.**

[R.G. KETKAR, J.]