

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

CIVIL REVISION APPLICATION NO.186 OF 2019

[Dhimant J. Shah Vs. Chandrakant R. Terade (since deceased) through L.Rs. & Anr.]

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.
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Mr. S.B. Shetye, Advocate for the Applicant.

Mr.S.M. Sabrad, Advocate for Respondents No.1/1, 1/2 & 2.

CORAM : R. G. KETKAR, J.

DATE : 11/07/2019

P.C.:

1. Heard Mr.S.B. Shetye, learned Counsel for the applicant and Mr.S.M. Sabrad, learned Counsel for respondents No.1/1, 1/2 & 2.

2. By order dated 20.6.2019, C.R.A. was disposed of as not pressed. The applicant was given eighteen months' time to vacate and hand over possession of the suit premises to the respondents subject to filing undertaking in terms of paragraph-3 of that order.

3. Mr.Shetye submits that Ms.Darshana Kiran Shah, Power of Attorney Holder of the applicant is present in the Court today. He has given a photo-copy of her Aadhaar Card, which is taken on record and marked as 'X' for identification. Upon taking instructions from her, Mr.Shetye states that the applicant is not willing to file undertaking. The applicant is also not pressing this application.

4. As the applicant is not ready and willing to file undertaking, it is not possible to give to the applicant eighteen

months' time to vacate and hand over possession of the suit premises to the respondents. The application was already disposed of as not pressed. It is made clear that this Court has not stayed the eviction decree. It will be open for respondents No.1/1, 1/2 & 2 to proceed with the execution in accordance with law. Order accordingly.

(R. G. KETKAR, J.)

Deshmane(PS)