

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE SIDE JURISDICTION****CIVIL REVISION APPLICATION NO.215 OF 2019**

Manoj Sabaji Palande	]	Applicant
Vs.		
The Trustee of the R.D. Sethna	]	
Scholarship Fund;	]	
Dr. Eddie Phiroz Bharucha and others.	]	Respondents

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Mr. Rajesh S. Patil, Advocate for the Applicant.

Mr. Cyrus Adheshi a/w Shivani Khanna a/w Saahil Bijjiwalla i/b FZB Associates, Advocates for the Respondents.

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CORAM : R.G. KETKAR, J.**DATE : 10th JULY, 2019.****P.C.**

Heard Mr. Patil, learned Counsel for the applicant and Mr. Adheshi, learned Counsel for the respondents, at length.

2. By this application under section 115 of the Code of Civil Procedure, 1908 (for short 'C.P.C'), the applicant, hereinafter referred to as 'defendant' has challenged the judgment and decree dated 29th March, 2014 passed by the learned trial Judge in L.E. Suit No.97/128 of 2010 as also the judgment and decree dated 26th October, 2018 passed by the Appellate Bench of the Court of Small Causes at Mumbai in Appeal No.200 of 2014. By these orders, the Courts below decreed the suit instituted by the respondents, hereinafter referred to as 'plaintiffs' and directed the defendant to hand over vacant and peaceful possession of Servant's room situate on the North side rear portion of a flat situate on the 1st floor of the Clark House No.8, Nathalal Parekh Marg, Mumbai 400 039 (for short 'suit premises').

3. Mr. Patil states that the petitioner is present in the Court. He has tendered photo copy of his "Aadhar Card", which is taken on record and marked 'X' for identification. After taking instructions from him, he states that the applicant will not press this C.R.A, if time up to and inclusive of 31st May, 2020 for vacating and handing over possession of the suit premises to the respondent is granted. He further states that the applicant accepts that;

- (a) he has no right, title and interest in the suit premises;
- (b) the correctness of the impugned orders;

He further states that the applicant and all adult family members residing in the suit premises will file undertaking within two weeks in this Court with advance copy to the other side incorporating therein;

- [a] they are in possession of the suit premises and nobody else is in possession;
- [b] the applicant has neither created third party interest nor parted with possession;
- [c] the applicant will hereafter neither create third party interest nor part with possession;
- [d] they will hand over vacant and peaceful possession of the suit premises to the respondents on or before 31st May, 2020;
- [e] the applicant will go on paying Rs.2,000/- per month to the respondents towards compensation fixed by the Appellate Court on or before 10th day of each succeeding month till handing over possession of the suit premises i.e till 31st May, 2020.

4. In view thereof, C.R.A is disposed as not pressed.

5. **List the C.R.A for reporting compliance on 31st July, 2019.**

[R.G. KETKAR, J.]