

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

SECOND APPEAL 37 OF 2018

(Devendra s/o. Arunrao Potale..vs.. Shantabai w/o. Bhauraoji Kadu & ors)
with

SECOND APPEAL 108 OF 2018

(Devendra s/o. Arunrao Potale..vs.. Shantabai w/o. Bhauraoji Kadu & ors)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Ms. Aruna Khare, counsel for appellant.
Mr. J.R. Kidiley, counsel for respondents 2 to 4.

CORAM: ROHIT B. DEO, J.

DATE: 22th APRIL, 2019.

This Court recorded thus on 15.4.2019:

This Court was not inclined to admit the Second Appeal on the substantial questions formulated at the stage of issuance of notice. However, this Court was of the prima facie view that the question of damages could be looked into.

2 *At this stage, the learned counsel for the appellant Mrs. Khare states that if the respondents give up the claim of damages and inquiry into mesne profits, the appellant shall hand over vacant possession of the suit property to the respondents within 30 days.*

3 *Stand over to 22.4.2019.*

2 The appellant has filed an affidavit dated 17.4.2019 undertaking to vacate the suit premises within 30 days of the disposal of this appeal provided the respondents undertake to give up their claim for damages and mesne

profit.

3 The respondent 3 is present in Court. The learned counsel Mr. J.R. Kidiley on instructions states that if the vacant possession of the suit property is handed over to the respondents within 30 days, the respondents shall not claim damages or mesne profit and the said claim shall be given up.

4 In view of the respective undertakings, these appeals are disposed of.

JUDGE