

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Writ Petition No.6041 of 2018

(Gajanan Ramkrushna Ambulkar .vs. Sushila Shivprasad Agrawal)

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

Mr. K.R. Lule, Advocate for Petitioner.
Mr. S.V. Sohoni, Advocate for Respondent.

CORAM : Manish Pitale, J.
DATED : January 29, 2019.

By this writ petition, the petitioner (tenant) has challenged order dated 04.12.2017, whereby the Court of District Judge-3, Wardha (appellate Court) rejected application for condonation of delay in filing appeal against a decree of eviction passed by the trial Court against the petitioner.

2. It is submitted that during the pendency of the present writ petition, the dispute has been settled between the parties and that the petitioner has agreed to abide by the judgment and order dated 19.04.2017 passed against him by the trial Court, subject to time being granted to vacate the suit shop premises.

3. An application has been tendered across the bar by the learned counsel for the petitioner, copy of which has been served on the learned counsel for the respondent, praying for grant of time of five months from today for vacating the suit shop premises. The application is taken on record and marked "X". The

learned counsel for the respondent states, on instructions, that the respondent does not have objection for grant of time of five months to the petitioner to vacate the suit shop premises.

4. In view of the said application placed on record and the submissions advanced by the learned counsel for the parties, this writ petition is disposed of by confirming the judgment and decree dated 19.04.2017 passed by the 2nd Joint Civil Judge, Junior Division, Wardha in Regular Civil Suit No. 10 of 2015 against the petitioner and he is granted time of five months from today to vacate the suit shop premises. It is directed that the petitioner shall give vacant and peaceful possession of the suit shop premises to the respondent on or before expiry of the aforesaid period of five months from today.

5. Writ petition is disposed of.

JUDGE

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