

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

Civil Application (CAS) No.890/2019 in Second Appeal No.618/2018 (D)
Angat Singh Vs. Suman Parlewar and others

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

Court's or Judge's orders

Mr. N.A Padhye, Advocate for appellant
Mr. R.M. Sharma, Advocate for respondent No.1
Mr. Vaidya h/f Mr. Anand Parchure, Adv. for respondents No.6 to 8.

CORAM : MANISH PITALE, J.

DATED : OCTOBER 11, 2019

This appeal was dismissed by judgment and order dated 04/10/2019 and when the judgment was pronounced a request was made on behalf of the appellant that the order of stay may be granted in favour of appellant from vacating the suit premises for a reasonable time for him to approach the Hon'ble Supreme Court.

2. In that view of the matter, in para 16 of judgment and order dated 04/10/2019, this Court had permitted the appellant time of 8 weeks to vacate the premises in question on filing appropriate undertaking within a week before this Court. It was directed that undertaking would specifically state that the appellant will hand over peaceful possession of the suit premises within 8 weeks and that he shall neither change the nature of premises nor to induct any third person in the premises during the said period.

3. The present application is moved for extension of stay. The learned counsel for the appellant submits that the appellant desires to move the Hon'ble Supreme Court and, therefore, stay may be extended. It is also an admitted position that till date the undertaking has not been filed and the period of one week expires today.

4. The reasons stated in the application are not convincing and, therefore, the application is dismissed, although time for filing undertaking in terms of order dated 04/10/2019 is extended till 14/10/2019.

5. It is made clear that if the undertaking as directed by this Court is not filed by 14/10/2019, the time granted of 8 weeks to vacate the suit premises as per para 16 of the judgment and order dated 04/10/2019, shall not operate.

6. Application is disposed of.

JUDGE