

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

CIVIL REVISION APPLICATION NO. 764 OF 2020

WITH

INTERIM APPLICATION NO. 1 OF 2020

Laxmi Chuni Yadav ... **Applicant/
(Org. appellant)**

V/s.

Sarojdevi Kamlesh Jha & Ors. ... **Respondents/
(Org. Plaintiffs)**

Mr. B. B. Nangare i/b. B. B. Nangare & Asso. for Applicant.

Mr. Kunal Bhange for Respondent.

CORAM : A.S. GADKARI, J.

DATE : 12th February 2020.

PC. :

1] After hearing learned counsel for the applicant at length, when this Court expressed its disinclination to grant any relief, learned counsel, on instructions from the Applicant who is personally present in the Court, seeks leave to withdraw the present Application unconditionally.

2] Learned counsel for the applicant on instructions, further submitted that, the applicant will vacate and handover vacant and peaceful possession of the suit premises to the respondents within a period of six months from today. The said statement is accepted as an undertaking given to this Court.

Leave and liberty granted.

3] In view thereof, the applicant is directed to file affidavit/undertaking in this Court within a period of three weeks from today

incorporating following clauses:

- (i) That, the applicant himself along with family members is residing in the suit premises and till date the applicant has not created any third party right, title or interest in it.
- (ii) The applicant shall mention all the names of family members residing with him.
- (iii) That nobody in the family of the applicant shall claim any equity or claim any right or title through him in the suit property and will vacate the suit property without any protest or demur within the said stipulated period mentioned herein.
- (iv) All the adult members of the applicants family shall also file their individual affidavits mentioning aforesaid clauses within the same stipulated period.

5] Application is dismissed as withdrawn in the aforesaid terms.

6] It is made clear that, if the applicant along with his family members fails to file aforesaid affidavit/undertaking within a period of three weeks from today, the respondents will be at liberty to execute the decree passed by the Trial Court. In that case, Trial Court may consider the request of the respondents for Police assistance in executing the decree.

[A.S. GADKARI, J.]