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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO. 19 OF 2020

Dattatray Maruti Jankar
Since deceased through LRS.
Arun Dattatray Jankar

... Applicant.

Versus

Smt. Snehaprabha Ashok Achalkar and Ors.

... Respondents.

.....

Mr. Sujeet Bugade for the Applicant.

Smt. A. R.S. Baxi for the Respondents.

.....

CORAM : A. S. GADKARI, J.

DATE : 15th JANUARY, 2020

P. C. :

1. After hearing the learned counsel for the applicant at length, when this Court was not inclined to admit the application and grant any relief, the learned counsel on instructions from the applicant who is personally present in the Court, seeks leave to withdraw the present application unconditionally.

He, on instructions from the applicant further submitted that, the applicant will vacate and handover vacant and peaceful possession of the suit property to the respondent Nos.1 and 2 within a period of three months from today. The said statement is accepted as an undertaking given to this Court.

2. The record indicates that, after the demise of original tenant

Dattatray Maruti Jankar, the applicant and respondent Nos.3 to 7 have been brought on record as the legal heirs of Dattatray Maruti Jankar.

3. In view thereof, the applicant and respondent Nos.3 to 7 are 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 and 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 above.

iv) All the adult members of the applicant's family shall also file their individual affidavits mentioning aforesaid clauses within the same stipulated period.

4. Application is dismissed as withdrawn in the aforesaid terms.

(A. S. GADKARI, J.)