

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****APPEAL FROM ORDER NO. 251 OF 2021****WITH****I.A. NO. 2301 OF 2021****IN****APPEAL FROM ORDER NO. 251 OF 2021**

Yatin Chhabildas Bhakta & Ors.

.....Appellants/
Applicants.

Vs.

Kirti Yatish Bhakta & Ors.

.....Respondents.

Mr. Aditya Udeshi a/w Mr. Kaushal Udeshi i/by M/s. Sanjay Udeshi & Co.
for the Appellants/Applicants.

Mr. Arshil Shah for the Respondents.

CORAM : A. S. GADKARI, J.

DATE : 14th SEPTEMBER, 2021.

P.C.:-

After hearing the learned counsel for the Appellants at length, when this Court expressed its opinion that, there is no need to interfere with the impugned Order dated 31st August, 2021, learned counsel on instructions from the Appellant Nos. 2 and 4, who are personally present in the Court submitted that, the Appellants/Applicants in compliance of impugned Order, will vacate the suit premises on or before 28th September, 2021.

The said statement is accepted as an undertaking to this Court.

2 It is needless to mention that, while vacating the Suit premises, the Appellants/Applicants shall not cause any damage to the Suit premises.

In view thereof, Appeal is disposed off.

3 The present Order is passed in the context of challenge to the impugned Order dated 31st August, 2021 passed in Notice of Motion No.1576 of 2021 and the rights and contentions of both the parties are kept open to be agitated at the time of hearing of the S.C. Suit St. No.5319 of 2021.

In view of disposal of the Appeal from Order itself, Interim Application No.2301 of 2021 does not survive and is also disposed off.

4 Place the present Appeal from Order on Board for reporting of compliance on 1st October, 2021.

(A.S. GADKARI, J.)

SANJIV
SHARNAPPA
MASHALKAR

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SANJIV
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