

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 548 OF 2019

Chandrabhaga Anant Javalkar & Anr. ... Applicants

V/s.

Vijay Bhimana Ekunde ... Respondent

Mr. Anand Kulkarni for the Applicants.

Mr. Prasad Kulkarni for the Respondent.

CORAM : A.S. GADKARI, J.

DATE : 28th October, 2021.

PC. :

1. Heard Mr. Anand Kulkarni, learned counsel for the Applicants and Mr. Prasad Kulkarni, for the Respondent. Perused record.

2. After hearing the learned counsel for the Applicants, when this Court was not inclined to interfere with the findings recorded by both the Courts below, in its jurisdiction under Article 227 of the Constitution of India, Mr. Anand Kulkarni, learned counsel, on instructions, seeks leave to withdraw the present Application.

Revision Application is dismissed as withdrawn.

3. Mr. Anand Kulkarni, on instructions further submitted that, apart from the Applicants, nobody else is in possession of the suit premises. That the Applicants have not created any third party rights, title and interest in the suit

premises till today and will not create it herein after. He further submitted that the Applicants will handover vacant and peaceful possession of the suit premises in favour of Respondent within a period of eight months from today i.e. on or before 30th June, 2022.

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

4. Applicants are directed to furnish undertaking to this Court stating the aforesaid facts and that they will vacate and handover peaceful possession of the suit premises to the Respondent/landlord on or before 30th June, 2022. The said undertaking be filed in the Registry of this Court within a period of three weeks from today.

5. It is made clear that, if the applicants fail to file said undertaking on or before 18th November, 2021, in that event, Respondent-landlord will be at liberty to execute the decree passed by the trial Court dated 28th November, 2018 and upheld by the Appellate Court.

It is made clear that, no further extension for vacating the suit premises will be granted to the Applicants on any count.

6. Application is dismissed in aforesaid terms.

[A.S. GADKARI, J.]