

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

CIVIL REVISION APPLICATION NO. 12 OF 2022

Badrinarayan Ramkuvar Khandelwal

..APPLICANT

VERSUS

Shakuntala Vinayak Naik and Others

..RESPONDENTS

....
Mr. S.V. Natu, Advocate for applicant

Mr. S.P. Shah, Advocate for respondent nos.1 to 4 and 6

....

CORAM : R.G. AVACHAT, J.

DATE : 04th JULY, 2022

PER COURT :

1. Heard.

2. The applicant is a tenant in possession of the suit premises, used for commercial purpose. The respondents-landlords filed the suit for eviction on the ground of default and bonafide requirement. The trial Court decreed the suit. The appellate Court has confirmed the judgment and decree passed by the trial Court.

3. Heard learned counsel for the applicant at length. According to him the impugned judgment and decree are perverse one. Learned counsel for the respondents-landlords has brought to the notice of this Court that the

applicant-tenant is doing his business in some other premises in the very town. This Court is, therefore, not inclined to grant the applicant relief.

4. Learned counsel for the applicant then came around to ask for one year's time to vacate the suit premises. Learned counsel for the respondents opposed.

5. This Court is of the view that the applicant-tenant be given a time of ten months to vacate the suit premises on the following terms and conditions :-

- (i) The applicant shall vacate the suit premises within a period of ten months from the date of this order.
- (ii) The applicant shall furnish an undertaking before the trial Court that he will vacate the suit premises within the time frame and will not create any third party interest therein.
- (iii) The applicant-tenant shall pay a sum of Rs.1,000/- per month for a period of these ten months.
- (iv) The amount shall be given due set off in the proceeding that may be initiated by the respondents/landlords for determination of the mesne profit.

6. In view of above, civil revision application stands disposed of.

(R.G. AVACHAT, J.)