

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

CIVIL REVISION APPLICATION NO. 248 OF 2011

Syed Ahmed s/o. Syed Mohammad,
Age : 58 yers, Occu,. Tyre works,
R/o. Bhokardan Naka, Bhokardan Road,
Jalna, Tq. & Dist. Jalna.

...Applicant
(Orig. Defendant)

Versus

Bhimrao s/o Rambhau Aglave,
Age : 74 years, Occu. Business & Agril.,
R/o. Kacheri Road, Old Jalna,
Tq. & Dist. Jalna.

...Respondents
(Orig. Plaintiff)

....

Mr. S. V. Dixit h/f Mr. A. N. Nagargoje, Advocate for the applicant
Mr. S. P. Shah h/f Mr. L. B. Pallod, Advocate for respondent

....

AND

CIVIL REVISION APPLICATION NO. 311 OF 2011

Bhimrao s/o Rambhau Aglave,
Age : 74 years, Occu. Business & Agril.,
R/o. Kacheri Road, Old Jalna,
Tq. & Dist. Jalna.

...Applicant
(Orig. Plaintiff)

Versus

Syed Ahmed s/o. Syed Mohammad,
Age : 58 yers, Occu,. Tyre works,
R/o. Bhokardan Naka, Bhokardan Road,
Jalna, Tq. & Dist. Jalna.

....Respondent
(Orig. Defendant)

....

Mr. S. P. Shah h/f Mr. L. B. Pallod, Advocate for applicant
Mr. S. V. Dixit h/f Mr. A. N. Nagargoje, Advocate for the respondent

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CORAM : RAJESH S. PATIL, J.
DATE : DECEMBER 16, 2022

PER COURT : -

1. Civil Revision Application No. 248 of 2011 is filed by the original defendant (tenant) and Civil Revision Application No. 311 of 2011 is filed by the original plaintiff (landlord).

2. After the matter was argued for sometime, parties have decided to settle the matter amicably. Today, both the parties so also son of defendant (tenant), namely, Sayyed Ahmed Fahim are present before this Court and that they have been identified by their respective counsels.

3. The parties have agreed to dispose off the present Civil Revision Applications in the following terms :

[i] Defendant (tenant) hereby gives undertaking to this Court that only he is in occupation of the suit premises and no one else is in occupation of the suit premises.

[ii] Defendant is ready to vacate his premises on or before 30.04.2023.

[iii] The original landlord i.e. applicant in Civil Revision Application No. 311 of 2011, who is present in the Court, would deposit an amount of Rs. 7,50,000/- in this Court within a period of one (01) week from today.

- [iv] Once original defendant (tenant) vacates the suit premises peacefully and hands over the keys to the landlord (applicant in CRA No. 311/2011) and files a pursis in this regard in the Registry with a copy to the advocate for the landlord, immediately thereafter he can seek a withdrawal of the amount of Rs. 7,50,000/- (Rupees Seven Lakhs Fifty Thousand) with interest accrued, if any, from the Registry.
- [v] In case the defendant / original tenant fails to vacate the suit premises on or before 30.04.2023, he will not be allowed to withdraw an amount of Rs. 7,50,000/- (Rupees Seven Lakhs Fifty Thousand) deposited in this Court and the decree passed by the appellate Court, which is modified by this order, will be immediately executable. If such a situation arises, the amount deposited by landlord (Applicant in CRA No. 311/2011) will be refunded back to him with interest accrued, if any, by the Registry of this Court.
- [vi] The parties, who are present before this Court, have been well explained the aforesaid terms by their respective counsels and there is no ambiguity in the same.
- [vii] In view of the settlement arrived at between the parties, Civil Revision Application No. 248 of 2011 and Civil Revision Application No. 311 of 2011 are hereby disposed off. Consequently, pending civil application/s, if any, stand/s disposed off.

[viii] The decree passed by the appellate Court dated 14.07.2011 in Reg. Civil Appeal No. 189 of 2007 stands modified accordingly.

4. Decree be drawn up accordingly.
5. Parties to act on the authenticate copy of this order.

[RAJESH S. PATIL]
JUDGE