

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****REVISION APPLICATION NO.221 OF 2021
ALONG WITH
INTERIM APPLICATION NO.3125 OF 2020
IN
REVISION APPLICATION NO.221 OF 2021**

Anil Govind Bhole Applicant
Versus
Prakash Vishwanath Surve & Ors. Respondents

Ms Reshma Ravi i/b. K.P. Ravi for the Applicant.
Mr. S.M. Sabrad for the Respondents.

CORAM : A.S. GADKARI, J.
DATE : 25th MARCH, 2022

P.C. :

The present Revision Application is preferred against the concurrent finding of eviction of the Applicant from the suit premises under the provisions of Maharashtra Rent Control Act, 1999.

2. After hearing the learned counsel for the Applicant at length on earlier occasion, this Court was not inclined to interfere with the findings recorded by the Court below. In view of the deliberations took place in this Court on earlier occasion, the learned counsel for the Applicant today tendered across the bar an Affidavit-cum-Undertaking dated 25.03.2022 duly signed by the Applicant, his wife Smt.Anita Anil Bhole, his son

Prathamesh Anil Bhole and his daughter in law Mrs.Parthi Prathamesh Bhole. The said persons have signed the said Affidavit-cum-Undertaking. The said Affidavit is duly notarized before Mr.Rajendra K. Singh, Notary, Government of India, Vashi, Navi Mumbai having Notarial Register No.2 at Sr.No.205, page No.42 on 25.03.2022. The original copy of the said Affidavit-cum-Undertaking is taken on record and marked 'X' for identification. The undertaking mentioned in the said Affidavit-cum-Undertaking is accepted as an undertaking to this Court.

3. The Applicant alongwith his family members has given further undertaking to this Court that they will vacate and handover peaceful possession of the suit property to the Respondent-Landlord on or before 5.00 p.m. of 26.08.2022. As noted in the Affidavit-cum-Undertaking, if the Applicant and/or his family members fail to vacate the suit premises on or before 5.00 p.m. of 26.08.2022, an amount of Rs.5 Lacs which would be deposited by the Applicant in the Registry of this Court shall stands forfeited to the account of this Court.

4. It is further made clear that if the Applicant and/or his family members fail to vacate and handover suit premises to the Respondent-Landlord, in that event the Respondents would be at liberty to immediately execute the impugned Judgment and Order by availing Police Protection

from the local Police Station for the execution of the impugned Judgment and Order and for the said purpose the Respondents will have to bring to the notice of this Court the said fact that the Applicant and/or his family members have failed to honour their words recorded in the Affidavit-cum-Undertaking.

5. It is hereby made clear that, till date the Applicant and his family members, as mentioned earlier, are the only persons residing in the Suit premises and they have not inducted any other person in it. It is further made clear that, the Respondents will not proceed with the execution proceedings for eviction of the Applicant and/or his family members till 26th August, 2022.

6. The Revision Application is disposed of in the aforesaid terms.

(A.S. GADKARI, J.)