

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.8040 OF 2022

Sou. Shailaja Kamlakar Khot

..Petitioner

Versus

Smt. Sulochana Shankarrao Phatale

Since deceased through legal heirs

Uday Shankar Phatale & Ors.

..Respondents

Mr. Mandar Limaye a/w S. C. Wakankar, for the Petitioner.

Ms. Aditi Rajput h/f Chaitanya Nikte, for the Respondents.

CORAM : NITIN W. SAMBRE, J.

DATE : 7th OCTOBER, 2022

PC.

1. The subject matter in the petition is an order passed in exercise of powers under Order XXI Rule 97 of CPC at the behest of petitioner/objector. The compromise decree was placed for execution in which the aforesaid objection was moved claiming to be objector and occupier in the suit property.

2. After having heard Mr. Mandar Limaye, counsel appearing for the petitioner at length, since this Court was not inclined to show indulgence and expressed its mind for saddling exemplary cost on the petitioner, the petitioner has volunteered to surrender possession of the suit premises by 21st October, 2022. An affidavit sworn to that effect by petitioner Smt. Shailaja w/o

Kamlakar Khot, so also her son Milind Kamlakar Khot are tendered today on record. Pursuant to the said affidavit, an undertaking is furnished stating that possession of the suit premises shall be handed over to the respondent in any case by 21st October, 2022.

3. Both these affidavits are taken on record and marked "X" for identification.

4. In view of aforesaid undertaking, the petition stands disposed of.

5. This Court hopes and expects that the petitioner shall act in terms of the undertaking.

6. Petitioner is also made to known about consequences of the violation of the undertaking by the counsel for the petitioners.

[NITIN W. SAMBRE, J.]