

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

WRIT PETITION NO.6783 OF 2022

C. M. Alloys Pvt. Ltd.

... Petitioner

Versus

Madhavsinh jamnadas Kapadia & Anr.

.. Respondents

Mr. S. R. Page for the Petitioner.

Shri Shravan M. Vyas for the Respondent No.1

CORAM : NITIN W. SAMBRE, J.

DATED : 18th NOVEMBER, 2022

P.C.:

1. Since this Court is not inclined to show indulgence, Mr. Page learned counsel for the petitioner on instructions made a prayer for withdrawal of the petition.

2. The petition stands dismissed as withdrawn.

3. However, the prayer made by learned counsel for the petitioner that the petitioner shall be surrendering the possession of the suit premises in any case by 31/05/2023, the same is accepted as an undertaking to this Court, subject to compliance of the following conditions:

(a) that entire arrears shall be cleared in any case within a period of four weeks from today by depositing an amount in the Executing Court.

(b) that an undertaking be furnished by the petitioner stating therein that he shall not be creating 3rd party interest or part with the possession to any 3rd party and shall maintain the suit premises in good condition.

4. If the aforesaid undertaking is not furnished within a period of two week from today, the respondents/decreed holders is at liberty to execute the decree.

(NITIN W. SAMBRE, J.)

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