

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

CIVIL REVISION APPLICATION NO. 463 OF 2022

Husain Anwar @ Babul	...Appellant
Versus	
Mansoor Ahmed Shaikh @ Mumna	...Respondent

Ms Jai Kanade a/w. Adv. Rahul Shirgavkar for the appellant.
Mr. M. K. Irani for the respondent.

CORAM : NITIN W. SAMBRE, J.

DATED : 18th OCTOBER, 2022

P.C.:

1. After hearing the respective counsels at length, since this Court is not inclined to show indulgence, learned counsel for the applicant/tenant on instructions from the applicant, who is present in the Court made motion for withdrawal of the application.
2. The application stands dismissed as withdrawn.
3. Further the claim put forth by learned counsel for the applicant that he shall surrender the possession of the suit premises within a period of one year is accepted pursuant to the consent extended by the respondent/landlord who is present in the Court.
4. In the aforesaid background, following order is passed.
5. The applicant/tenant shall furnish an undertaking to this

Court that in any case he shall surrender the possession of the suit premises by 18/10/2023, before noon.

6. He shall also mention in the said undertaking that he shall maintain the suit premises in good condition and shall clear the entire arrears, if any, by 10/10/2022.

7. He shall further mention that in the said undertaking that he shall continue to pay the rent on or before 10th of each English calendar month till he vacates the suit premises.

8. Further an undertaking be furnished that he shall not create 3rd party interest by inducting any of his relatives in the suit premises.

9. An undertaking in the form of affidavit be filed within a week from today.

10. Learned counsel for the applicant/tenant on instructions also assures that the compensation as has been ordered shall be continued to be deposited in the Executing Court. As such the execution stands deferred till 18/10/2023.

11. Needless to clarify that any breach of the undertaking will entail the non-applicant/decreed holder to execute the decree.

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Date:
2022.10.18
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(NITIN W. SAMBRE, J.)