

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION NO.705 OF 2017 IN
WRIT PETITION STAMP NO.23984 OF 2016

Baliram s/o Januji Raibole

Vs.

Gunderao Chandulal Deshatwar through LRs Smt. Shahikala Wd/o
 Gundewar Deshatwar and others

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Shri D.C. Chahande, Advocate for petitioner.
 Shri A.D. Patil, Advocate for respondent nos.1 to 4.

CORAM : AMIT B. BORKAR, J.

DATE : 6th JULY, 2022.

Advocate for the petitioner states that he has instruction not to press petition on merits and the petitioner has filed undertaking that he will vacate the suit premises within a period of six months from today.

2. The undertaking is accepted.

3. The condition stated in the undertaking is in pursuance of the observations made by this Court during the course of hearing. Considering the facts of the present case, Advocate for the respondent-landlord states that if the petitioner vacates the suit premises within a period of six months as stated in the undertaking, will not seek enforcement of *mesne profit*. If the petitioner fails to hand over the possession within a period of six months, the landlord shall be entitled to recover *mesne profit* in addition to other measures which he is entitled to invoke.

4. The respondent-landlord is at liberty to withdraw the amount of rent deposited in the Trial Court as well as in the Appellate Court.
5. In view of undertaking, the petition stands disposed of.

JUDGE

Wagh