

Sushma

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL REVISION APPLICATION NO. 104 OF 2022
WITH
CIVIL APPLICATION NO. 10809 OF 2022

Haroom Bashik Shaikh Died
Through LRs
Mustakim Harun Shaikh and others ... Petitioners

Versus

Jahid Haji Babamiya Sayyad and others ... Respondents

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Mr. R.L. Kute – Advocate for Petitioners
Mr. Patel Shaikh. Ashpak Taher – Advocate for Respondent Nos. 1 to 3

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CORAM : GAURI GODSE, J.
DATE : 01st March, 2023

PER COURT :

1. After arguing the Civil Revision Application for some time learned counsel for petitioners, on instructions, state that in the event, some longer time is granted to the petitioners to vacate the suit premises, the petitioners would not press the present Civil Revision Application.
2. Learned counsel for the respondents fairly concede to grant a reasonable time to vacate suit premises. Hence, petitioners are granted leave to withdraw the Civil Revision Application, subject to following order :
 - a. Petitioners are granted time to vacate suit premises till 31st December, 2023, subject to petitioners filing an undertaking stating that :

- i) Petitioners shall handover possession of the suit premises to the respondents on or before 31st December, 2023.
 - ii) Except the petitioners no other person is residing in the suit premises.
 - iii) Petitioners will not create any third party interest in the suit premises and shall not part with possession.
 - iv) Arrears, if any, will be deposited in the Trial Court within a period of six weeks from today and petitioners shall continue to deposit the rent amount till handing over of the possession.
- b. An undertaking to be filed within a period of three weeks from today, failing which, the relief granted as per clause (a) above, will stand rejected and the Civil Revision Application will stand dismissed summarily.
- 3. The Civil Revision Application is disposed of in above terms.
 - 4. The amount of rent which is already deposited and the amount that will be deposited in future is allowed to be withdrawn by the respondents.
 - 5. In view of disposal of the Civil Revision Application, pending Civil Application is infructuous and the same is disposed of.

[GAURI GODSE, J.]