

SGPunde

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 705 OF 2022
WITH
CIVIL APPLICATION NO. 16852 OF 2022
IN
SECOND APPEAL NO. 705 OF 2022

CIVIL APPLICATION NO. 14375 OF 2022
IN
SECOND APPEAL NO. 705 OF 2022

Smt. Asha Deepak Mahesh-Pathak & Ors. ... Appellants

Versus

Sow. Deepali Deepak Mahesh Pathak ... Respondent

...

Mr. Bhargav Kulkarni h/f Mr. P. N. Kalani – Advocate for appellants

Mr. Santosh C. Bhosale h/f Mr. Harbans Singh Bedi – Advocate for respondent

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CORAM : GAURI GODSE, J.

DATE : 22ND FEBRUARY, 2023

PER COURT :

1. After arguing the Second Appeal for some time learned counsel for appellant, on instructions, state that in the event, some longer time is granted to the appellant to vacate the suit premises, the appellant would not press the present Second Appeal.

2. Learned counsel for the respondent fairly concedes to grant a reasonable time to vacate suit premises. Hence, appellant is granted leave to withdraw the Second Appeal, subject to following order :

a] Appellant is granted time to vacate suit premises till 05th April, 2024, subject to appellant filing an undertaking stating that :

i) Appellant shall handover possession of the suit premises to the respondent on or before 05th April, 2024.

ii) Except the appellant, no other person is residing in the suit premises.

iii) Applicant will not create any third party interest in the suit premises and shall not part with possession.

b] An undertaking to be filed within a period of four weeks from today, failing which, the relief granted as per clause (a) above, will stand rejected and the Second Appeal will stand dismissed summarily.

3. The Second Appeal is disposed of in above terms.

4. Pending civil applications to stand disposed of as infructuous.

[GAURI GODSE]
JUDGE