

Pooja K.

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

SECOND APPEAL NO. 90 OF 2015
WITH
SECOND APPEAL NO. 91 OF 2015
WITH
CIVIL APPLICATION NO. 2993 OF 2015
IN
SECOND APPEAL NO. 91 OF 2015

Chelaram Mitharam Chawala (died)
Thr LRs Madanlal Chelaram Chawala and Ors. ... Appellants
Versus
Vijay Ramchandra Joshi ... Respondent
...
Mr. V.H. Dighe – Advocate for Appellants
Mr. A.S. Gandhi – Advocate for Respondent
....

CORAM : GAURI GODSE, J.

DATE : 3rd February, 2023

PER COURT :

1. Learned counsel for the appellants state that, appellants will not press the Second Appeals, if reasonably longer time is granted to vacate the suit premises. Hence, prays for leave to withdraw the Second Appeals subject to grant of time to vacate for a period of one year.
2. Learned counsel appearing for respondent / original plaintiff in Regular Civil Suit No. 2 of 2005, who is decree holder, fairly concedes for such request subject to appellants filing an

undertaking that the possession of suit premises will be handed over to plaintiff within a period of one year from today. Affidavit filed on behalf of appellants for making such request is taken on record.

3. Hence, leave is granted as prayed subject to following order :
 - a) appellants shall file an undertaking within a period of two weeks from today thereby stating that,
 - (i) appellants shall handover possession of the suit premises to the respondent within a period of one year from today.
 - (ii) appellants shall not create any third party interest in the suit premises and will not part with possession of the suit premises.
 - (iii) appellants shall state that, except the appellants no other party is occupying the suit premises.
 - (iv) appellants shall deposit the arrears, if any, in the trial court within a period of two weeks from today and will continue to deposit the future amount in the trial court, till handing over of possession.
4. Both the Second Appeals are disposed of in above terms.
5. In view of the above order, pending Civil Application stand disposed of.

[GAURI GODSE]
JUDGE