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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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CIVIL REVISION APPLICATION NO.649 OF 2019
WITH
INTERIM APPLICATION NO.19649 OF 2022
WITH
INTERIM APPLICATION NO.426 OF 2019
WITH
INTERIM APPLICATION NO.19266 OF 2022

Smt.Philomena A. D'Souza, since deceased
through L.R. - Joseph S.D'Souza ...Applicant

V/s.

Reuben D. Dias & Anr. ...Respondents

Ms.Pushali Roychoudhury with Adv.Niyanta Trivedi and M.Advait M.
Sethna i/b Mr.H.S. Tafty for the Applicant.

Mr.R.C. Gonsalves i/b Mr.Eventa A. Gonsalves for Respondent No.1.

Ms.Sharon Vanita D'Souza – wife of Applicant in CRA is present in
Court.

CORAM : RAJESH S. PATIL, J.
DATE : 18TH OCTOBER, 2023.

P.C. :-

1. The matter was heard for some time. Advocate for the Applicant / Tenant seeks leave to withdraw this Civil Revision Application and has pressed that her client be permitted to reside in the suit premises for a period of one year from today. Advocate for the Applicant states that only two persons are residing in the suit

premises i.e. i) Joseph S. D'Souza and ii). his wife - Sharon Vanita D'Souza.

2. Since advocate for the Applicant is only seeking time to vacate the suit premises, advocate for the Respondent / Landlord has agreed on humanitarian ground to grant period of one year to the Tenant to vacate the suit premises.

3. The Civil Revision Application is disposed of on following terms :-

a). The impugned judgment and order dated 15 April 2019 passed by the Appellate Bench and judgment and order dated 3 October 2009 passed by Single Judge of Small Causes Court are hereby confirmed.

b). The Applicant - Joseph S. D'Souza and his wife - Sharon Vanita D'Souza will file the usual undertaking within a period of one week from today. The said undertaking to state that only Joseph S. D'Souza and Sharon Vanita D'Souza are residing in the suit premises and the married daughter of Joseph S. D'Souza and Sharon Vanita D'Souza are staying separately in their own house. They further agree that would be paying compensation amount of Rs.2,000/- per month till they are in occupation of the suit premises directly to the said landlord and shall also given an undertaking that they will not create any third party rights in the suit premises.

- c). Since this Civil Revision Application is only pertaining to the decree of possession, the question of mesne-profits shall separately decide by the Trial Court on its own merit.
- d). The Civil Revision Application is accordingly disposed of in above terms.
- e). All pending Interim Applications are also disposed of.
- f). All parties to act on the authenticated copy of this order.

(RAJESH S. PATIL, J.)