

Prajakta Vartak

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 15010 OF 2022

Tejraj Bhojraj Joshi

..Petitioner

Vs.

Dudhkala Bhojraj Joshi & Anr.

...Respondents

Ms. Anu Kaladharan with Mr. Pradeep Yadav i/b. Mr. Mrutyunjay Yadav
and Mr. Prashant Yadav for Petitioner.

Mr. Siddha Pamecha i/b. Mr. Jayesh Gawde for Respondent No.1.

CORAM : G.S. KULKARNI, J.

DATE : JANUARY 06, 2023

P.C.:

1. Not on board. Taken on board on a praecipe being moved on
behalf of the petitioner.

2. I have heard learned counsel for the petitioner and learned
counsel for the respondents.

3. The petition challenges an order dated 07 September, 2022
passed by the Presiding Officer, Deputy District Officer, Senior Citizens
Tribunal, Mumbai City. By the impugned order, the petitioner who is the
son of respondent no.1 has been directed to vacate the premises which
are claimed to be the premises of senior citizen (mother)-respondent

no.1. The direction as contained in the impugned order is to the effect that the petitioner shall vacate the premises within a period of 120 days from the date of the said order passed by the tribunal. There is also a direction that the petitioner shall make payment of Rs.1,000/- to respondent no.1.

4. After the proceedings were heard for some time, the petitioner has taken a fair stand. Learned counsel for the petitioner submits that the petitioner shall vacate the premises namely “301, I-Wing, Mahalaxmi Co-operative Housing Society Ltd.” on or before 28 February, 2023. Learned counsel for the petitioner submits that the petitioner shall file an unconditional undertaking to be placed on record of this petition, that the petitioner shall vacate the premises by such time. She states that the petitioner shall also continue to pay Rs.1,000/- to respondent no.1. Statement as made on behalf of the petitioner is accepted.

5. In the above circumstances, learned counsel for respondent no.1-mother has also fairly submitted that the grievance of respondent no.1 as canvassed in the proceedings before the Senior Citizens Tribunal would stand redressed in the petitioner vacating the premises and continuing to pay maintenance of Rs.1000/- per month.

6. In these circumstances, further adjudication of the petition is not called for. It is disposed of in terms of the statement as made on behalf of the petitioner as noted above.

7. Needless to observe that all rights and contentions of the petitioner to assert any claim in respect of the said property based on inheritance are expressly kept open. All contentions of the petitioner in S.C. Suit (Stamp) No.4078 of 2021 and of the defendants therein are expressly kept open.

8. Let the undertaking of the petitioner be placed on record within one week from today, with a copy of the same to be furnished to the advocate for respondent no.1.

9. Needless to observe that the petitioner shall take all precautions and shall not cause any further inconvenience, harassment whatsoever to respondent no.1.

10. Disposed of in the above terms. No costs.

[G.S. KULKARNI, J.]