

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12423 OF 2023

Apsara Bakers Thr. Partner And Anr. ...Petitioners

Versus

Anwar Khan Ahmedkhan
Since Decd. Thr. LRS And Anr. ...Respondents

Mr. Abhaykumar Apte for the Petitioners.
Mr. A.R. Shaikh for Respondents.

CORAM : RAJESH S. PATIL, J.

DATED : 10th OCTOBER, 2023.

PC.:

1. After the matter was argued for some time, the Counsel for the Petitioners on instruction of Petitioner No.2(c) – Javed Siddique Ansari, seeks liberty to withdraw the Writ Petition. He further states that his client be permitted a period of one year time to vacate the suit premises.

2. Mr. A.R. Sahikh, Counsel for the Respondents states that as per the Order passed by this Court on 23 March, 2023 in Writ Petition No.1024 of 2020, the interim monthly compensation as per M/s. *Atma Ram Properties Pvt. Ltd. V/s. M/s. Federal Motors Pvt. Ltd.*,¹ Judgment, was fixed at the rate of Rs.12,000/-

1 (2005) 1 SCC 705

per month, while the Appeal was pending before the District Judge, Pune. He further states that the total outstanding amount as per Atmaram Properties is of Rs.5,23,000/- upto August, 2023.

3. As the Petitioners are withdrawing the Writ Petition, which was filed challenging a concurrent findings under a suit of *bona fide* requirements, a time of one year is granted to the Petitioners to vacate the suit premises and handover possession to the Respondents, subject to Petitioner Nos. 2(a) to 2(e) filing an usual undertaking in this Court within a period of two weeks from today.

4. So also, the Petitioners to deposit the outstanding amount of Rs.5,23,000/- within a period of four months from today.

5. If the outstanding amount is not deposited within a period of four months in the Small Causes Court, Pune. The liberty granted above will stand cancelled and the Petitioners can to immediately execute decree to vacate the suit premises. So also, if the undertaking is not filed by Petitioner No.2(a) to 2(e) within a period of two weeks from today, the liberty granted in the earlier paragraph is stand cancelled and they will have to vacate the suit premises immediately.

6. The undertaking should state that the only Petitioner Nos. 2(a) to 2(e) are in occupation of the said suit premises and nobody else is occupying the said suit premises. The undertaking should also clarify that the Petitioner will not create any third party interest in the suit premises.

7. Writ Petition is accordingly disposed off.

(RAJESH S. PATIL, J.)