



Arjun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.12 OF 2023
WITH
INTERIM APPLICATION NO.174 OF 2023
IN
SECOND APPEAL NO.12 OF 2023**

Sattar Dagadu Shah (Deceased)
Through Legal Heirs
a] Afjal Sattar Shah & Ors.

...Appellants/
Applicants

V/s.

Late Shantaram Narayan Raut
Through Legal Heirs
1A] Mr. Mukund Shantaram Raut & Ors.

...Respondents

Mr. Narayan G. Rokade, for the Appellants/Applicants.
Mr. Sagar Kasar, for the Respondents.

**CORAM : MADHAV J. JAMDAR, J.
DATED : JULY 24, 2023**

P.C.:

1. Mr. Rokade, learned counsel appearing for the Appellants states that the substantial questions of law involved in the present Second Appeal are the same as those in the Second Appeal No.389 of 2023 alongwith other connected Second Appeals, disposed of by order dated 11th July 2023.

2. Accordingly, for the reasons recorded in the said order dated 11th July 2023, the Second Appeal is dismissed as there is no substance in any of the substantial questions of law raised by

learned counsel appearing for the Appellants.

3. At this stage, Mr. Rokade, learned counsel appearing for the Appellants seeks stay of this order. Accordingly, time of six months is granted to the Appellants to vacate the suit premises on the condition that, the Appellants to file undertaking in this Court that they shall handover possession of the suit premises to the Respondent on or before 23rd January 2024 i.e. before completion of said period of six months, subject to order of stay, if any, granted by the Supreme Court. The said undertaking shall also state that the Appellants are only in possession of the suit property and they will pay rent for the period of six months and they will also clear all the arrears. Such undertaking to be filed on or before 31st October 2023.

4. Accordingly, the Second Appeal is dismissed, however, with no order as to costs and subject to above.

[MADHAV J. JAMDAR, J.]