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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.2031 OF 2024

Jitesh R. Gajaria

...Petitioner

V/s.

Hiresh D. Jetwani

...Respondent

Mr.Manoj Patil with Mr.Piyush Toshnival i/b Mr.Ashish Pawar
for the Petitioner.

Mr.Jaydeep Raut with Mr.Pranav Sampat, Mr.Ankit Tripathi and
Ms.Apoorva Upadhyay i/b Khaitan & Co. for the Respondent.

CORAM : RAJESH S. PATIL, J.

DATE : 27TH MARCH, 2024.

P.C. :-

1. Mr.Manoj Patil submits that the Petitioner is present in Court. He submits that the Petitioner is the person, who is giving him instructions. He submits that the Petitioner along with two more adult members, who are staying with him viz. Mrs.Bina Gajaria, (wife) and Jennil Gajaria, (son). Mr.Patil has also tendered an affidavit of the Petitioner dated 27 March 2024. He

submits that the Petitioner has understood the contents of the affidavit dated 27 March 2024 and the Petitioner has signed the said affidavit, which has been affirmed before this Court.

2. The affidavit dated 27 March 2024 is taken on record and marked “X” for identification. For ease of reference, a scanned copy of the affidavit dated 27 March 2024 is reproduced hereinbelow :-

	IN THE HIGH COURT OF JUDICATURE AT BOMBAY	
	CIVIL APPELLATE JURISDICTION	
	CIVIL WRIT PETITION NO. 2031 OF 2024	
	Dist.: Mumbai	
Jitesh Ramesh Gajaria	}..Petitioner	
Versus		
Hiresh Devidas Jetwani	}..Respondent	
AFFIDAVIT		
I, Jitesh Ramesh Gajaria, Age: 48 years, Occup: Business, Indian Inhabitant, having address at Flat No. 2903, 29th Floor, Lodha Allura, Pandurang Budkar Marg, Worli, Mumbai-400 018, the Petitioner hereinabove, do hereby state on solemn affirmation as follows -		
1) I say that pursuant to the oral directions dt.26/03/2024 passed by this Hon'ble Court I am filing the present undertaking affidavit as regards payment of rent arrears etc. to Respondent.		
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2) I say that it is agreed between Petitioner and Respondent that total Rs.27,64,157/- is payable by the Petitioner to the Respondent, the details of which are as follows –

Sr.	Particulars	Amount
1.	TDS on the 50% amount of arrears till February 2024. Petitioner has paid Rs.9,67,847/- after deducting TDS to the Respondent on 21/03/2024 and 22/03/2024.	Rs.4,38,907/-
2.	Balance 50% amount of arrears till February 2024.	Rs.14,06,754/- (Rs.9,67,847 + Rs.4,38,907 TDS @31.2%).
3.	Previous unpaid TDS.	Rs.4,38,907/-
4.	Monthly license fees for the months of March to May 2024 @ rate of Rs.1,59,853/- per month.	Rs.4,79,589/- (Rs.3,29,957 + Rs.1,49,632 TDS @31.2%)
Total		Rs.27,64,157/- (Rs.17,36,711 + Rs.10,27,446 TDS)

3) I say that towards full and final settlement of entire matter between me and the Respondent, I will pay Rs.17,36,711/- to the Respondent and I will pay TDS of Rs.10,27,446/- to the Government totalling to Rs.27,64,157/- in the following manner -

- a) I undertake to pay 25% of Rs.17,36,711/- which comes to Rs.4,34,178/- to the Respondent on or before 09/04/2024.
- b) I undertake to pay 25% of Rs.17,36,711/- which comes to Rs.4,34,178/- to the Respondent on or before 23/04/2024.
- c) I undertake to pay 25% of Rs.17,36,711/- which comes to Rs.4,34,178/- to the Respondent on or before 07/05/2024.
- d) I undertake to pay 25% of Rs.17,36,711/- which comes to Rs.4,34,178/- to the Respondent on or before 21/05/2024.
- e) I undertake to pay TDS of Rs.10,27,446/- to the Government and give certificate thereof to the Respondent on or before 15/05/2024.

4) I say that I intend to vacate the subject flat by
31/05/2024.

5) I say that whatever stated hereinabove is true and correct
to the best of my own knowledge and belief.

Solemnly affirmed at Mumbai

Dated this 27th day of March 2024


Advocate
Adv. Ashish Pawar


Jyesh Ramesh Gajaria
Deponent

Solemnly affirmed before me
by Jyesh Gajaria
who is identified before me
by Gaurav Anand
when I personally knew
This 27th day of March 2024
High Court, Agartala Bench
Barbui


Notary Public
High Court, Agartala Bench

Orig. Pan Card Andhra Card No. 808565008427
Jyesh No. 808565008427
Exhibit 8 Document

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3. All the submissions made in the affidavit are accepted as an undertaking given to this Court. The Petitioner hereby undertakes that the Petitioner along with two other family members viz. Mrs.Bina Gajaria, (wife) and Jennil Gajaria, (son), are residing in the suit premises. They, also along with the Petitioner undertake to vacate the suit premises by 31 May 2024.

4. Both the counsel have now tendered minutes of order dated 27 March 2024. They also submit that both the advocates appearing for the respective parties have signed the minutes of order. The minutes of order dated 27 March 2024 is taken on record and marked as “Y” for identification. For ease of reference, scan copy of Minutes pf Order dated 27 March 2024, are reproduced herinbelow :-

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO. 2031 OF 2024

Jitesh Ramesh Gajaria And Ors.

...Petitioner

Versus

Hareesh Devidas Jetwani Through
POA Vikram Lalchand Bajaj

...Respondent

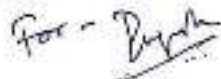
DEACT - CONSENT MINUTES OF ORDER

1. By consent order dated 31 August 2023 passed in the Eviction Application No. 159 of 2022 in respect of Flat No. B-2903, Floor No. 29th, Lodha Allura, Pandurang Budkar Marg, Worli, Mumbai 4000518, along with 2 car parking spaces ("Premises") filed by the Respondent herein by the Competent Authority Rent Control, Bandra under the Maharashtra Rent Act, 1999, is set aside and decree in terms of prayer clauses a) and d) of the said eviction application is passed by consent. It is clarified that the Respondent shall be entitled to recover double compensation in terms of the Leave and License Agreement dated 18 December 2021 from June 2022 till February 2024. The ^{Respondent} ~~Petitioner~~ has however, agreed to not to execute/ enforce the said decree in Eviction Application No. 159 of 2022, subject to what is stated herein.
2. The petitioner has agreed to abide by his undertaking dated 27 March 2024 filed before this Hon'ble Court and shall pay the Respondent the amounts

as per the payment schedule mentioned in this said undertaking and shall also vacate the suit flat on or before 31st May 2024.

3. In the event of petitioner complying with the said undertaking without committing any default for any reason whatsoever, the decree passed herein as per paragraph 1 be marked as satisfied. It is made clear that in the event of the Petitioner not complying with the undertaking in the time bound manner as mentioned in the undertaking for any reason whatsoever, the Respondent shall be entitled to execute the decree as per paragraph no. 1 herein against the Petitioner. In such an event, the Respondent shall be entitled to evict the Petitioner and/or any third parties and/or representative occupying the premises from the suit premises by seeking police assistance of NM Joshi Police Station, Rangari Building, Sakhubai Mohite Marg, NM Joshi Marg, BDD Chawl, Lower Parel, Mumbai, Maharashtra 400013, if so required.
4. The Revision Application filed by the Respondent herein before the Learned Additional Commissioner (Revenue), Konkan Division, Mumbai Revision Application No. 643 of 2024 stands disposed of by consent, in view of the decree passed herein.
5. Writ Petition disposed of without any order as to cost.

Dated 27th March 2024

For - 

Advocate for the Petitioner



Advocate for the Respondent


(Suresh Gajwade)

5. Order in terms of minutes of order. The Writ Petition is accordingly disposed of.

6. The Writ Petition to come up on board on 10 June 2024, under the caption of “Compliance”.

(RAJESH S. PATIL, J.)