

HARSHADA H. SAWANT
(P.A.)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3724 OF 2024

Chandrakant Baburao Shevale through Power of
Attorney holder Dnyaneshwar Chandrakant
Shewale .. Petitioner

Versus

Mukund Shantaram Raut and Ors. .. Respondents

WITH

WRIT PETITION NO.3733 OF 2024

Sanjay Prabhakar Sali .. Petitioner

Versus

Mukund Shantaram Raut and Ors. .. Respondents

WITH

WRIT PETITION NO.3732 OF 2024

Balasaheb Onkar Sarode .. Petitioner

Versus

Mukund Shantaram Raut and Ors. .. Respondents

WITH

WRIT PETITION NO.3734 OF 2024

Sharifakhan Alikhan Pathan .. Petitioner

Versus

Mukund Shantaram Raut and Ors. .. Respondents

WITH

WRIT PETITION NO.3726 OF 2024

Dipak Prabhakar Hadke .. Petitioner

Versus

Mukund Shantaram Raut and Ors. .. Respondents

WITH

WRIT PETITION NO.3725 OF 2024

Ashrafkhan Amirkhan Pathan .. Petitioner

Versus

Mukund Shantaram Raut and Ors.

.. Respondents

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- Mr. Rokade Narayan Gopinath, Advocate for Petitioners.
 - Mr. Sagar Kasar a/w. Mr. Amol Wagh and Ms. Chaitali Bhogle, Advocates for Respondents.
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CORAM : MILIND N. JADHAV, J.

DATE : APRIL 02, 2024

P.C.:

- 1.** Heard Mr. Gopinath, learned Advocate for Petitioners and Mr. Kasar, learned Advocate for Respondents.
- 2.** Mr. Kasar would submit that Supreme Court has dismissed the Special Leave Petition which is referred to in paragraph No.2 of order dated 22.03.2024. He would inform the Court that Supreme Court has dismissed Special Leave Petition (C) Diary No.46167 of 2024. He would inform the Court that Supreme Court has directed the Writ Petitioners to vacate the suit premises within a period of three months from yesterday i.e. 01.04.2024. The order of the Supreme Court has however not been uploaded as yet. Leave to place this order in the present Writ Petition is given to the parties. Registry shall accept the said order and place the same on record.
- 3.** As directed by this Court, the Decree Holders have filed a compilation of 55 documents comprising of copy of possession warrants and entire roznamas before the Court alongwith bailiff report. Bailiff report dated 21.03.2024 is at page No.4. Typed copy of

said report is at page No.5. Perusal of the said typed copy clearly reveals and justifies the contents of paragraph No.6.

4. Out of the Petitioners namely six in number, 5 Petitioners are present before me pursuant to the directions contained in the order dated 22.03.2024. Mr. Balasaheb Onkar Sarode who is 70 years old and is ailing due to medical condition has not remained present. His son Sachin Balasaheb Sarode is however present on his behalf. In view of the order passed by the Supreme Court yesterday i.e. on 01.04.2024, which is as also confirmed by Mr. Rokade, Chandrakant Baburao Shevale through Power of Attorney holder Dnyaneshwar Chandrakant Shewale, Ashrafkhan Amirkhan Pathan, Dipak Prabhakar Hadke, Balasaheb Onkar Sarode, Sanjay Prabhakar Sali and Sharifkhan Alikhan Pathan are directed to file their undertakings in this Court that they shall hand over peaceful and vacant possession to the Respondents on or before 31.06.2024.

5. It is also informed to me that the Supreme Court has passed a direction for payment of arrears of rent i.e. decretal amount to the decree holders also. The undertakings shall also mention about the payment of arrears as directed by the Supreme Court. Mr. Rokade would submit that once the Supreme Court order is uploaded and available, the undertakings shall be filed thereafter. In that event, the undertakings are permitted to be filed within a period of one week

from the date of uploading of the Supreme Court's order. In view of the above, the Registry is directed to take the six undertakings on record.

6. In view of the above observations, Writ Petitions will have to be dismissed. Liberty to apply.

7. Writ Petition No.3724 of 2024, Writ Petition No.3733 of 2024, Writ Petition No.3732 of 2024, Writ Petition No.3734 of 2024, Writ Petition No.3726 of 2024 and Writ Petition No.3725 of 2024 are dismissed and stand disposed.

H. H. SAWANT

[MILIND N. JADHAV, J.]

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Date: 2024.04.02
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