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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition NO. 6759 OF 2024

Ansari Uzair Hafiz ...Petitioner

Versus

Rubina Akhtar Rizvi And Ors ...Respondents

Mr. Pradeep Dubey, *Advocate for the Petitioner.*

Mr. Akash Rebello a/w. mr. Mahesh Mishra & Adv. Paras,
Advocate for the Respondents.

CORAM RAJESH S. PATIL, J.

DATED: 10 MAY 2024

PC:-

1. On 7 May 2024 the following order was passed in this Petition:-

Matter is allowed to be produced on the production board in view of urgency.

2. Mr.Pradeep Dubey, learned counsel appearing for the petitioner submits that he will be filing Vakalatnama on behalf of the petitioner by tomorrow.

3. Mr.Dubey further submits that the petitioner is present in Court and on instructions from the petitioner, he is giving undertaking to this Court that the present petition though filed challenging an order passed by the Competent Authority, his client is ready to vacate the premises by 27 May, 2024.

4. Mr.Dubey further submits on instructions from his client that the outstanding amount towards the compensation is around Rs.53,00,000/- and there is deposit of Rs.14,00,000/- of the petitioner pending with the respondent no.1. He submits that the said amount Rs.14,00,000/- can be adjusted against the outstanding amount and balance sum of Rs. 39,00,000/- would be paid on or before 3 June, 2024. He submits that his client and his family members are around six persons staying in the suit premises and the petitioner along with two other adult members of the family will give an undertaking within two days stating therein that they are the only persons staying in the suit flat and they will not create any third party interest and they will vacate the suit premises by 27 May, 2024. He further submits on instructions from his client that Rs.20,00,000/- would be paid by his client on or before 10 May, 2024 and the balance amount by 3 June, 2024.

5. Mr.Rebello, learned counsel appearing for the respondents submits that the submissions made by Mr.Dubey is disputed by his clients, as according to his client the total outstanding amount is around Rs.91,00,000/-.

6. Stand over to 10 May, 2024. Matter to come up First on Board.

2. Today Mr. Dubey, has handed over keys of the suit premises in the morning sessions to Mr. Rebello who is appearing for the Respondent. In afternoon session, when the matter was called out. Mr. Rebello confirms that his client has checked the suit premises and has accepted the possession of suit premises. Hence, the issue about the possession of the suit

premises being handed over to the respondent is complied with.

3. As regards, the outstanding amount payable to the respondent no.1, the parties have agreed that if further payment of Rs.45,50,000/- is paid by the petitioner to the respondent no.1, by 10 July 2024, all the disputes and differences between the parties would stand settled and there will be no claim against each other. The petitioner has agreed and has given an undertaking to this Court that the total sum of Rs.45,50,000/- will be paid in the following manner to Respondent No.1:-

(i) On or before 31 May 2024 a sum of Rs.10,00,000/- shall be paid by cheque/RTGS.

(ii) On or before 20 June 2024 a sum of Rs.10,00,000/- shall be paid by cheque/RTGS.

(iii) On or before 5 July 2024 a sum of Rs.10,00,000/- shall be paid by cheque/RTGS.

(iv) On or before 10 July 2024 a sum of Rs.15,50,000/- shall be paid by cheque/RTGS.

4. If at all there is any default on the part of the petitioner in making any of the payment as mentioned above the amount already paid would stand forfeited and the

respondent no.1 would be liable to pay the entire consideration amount, as per the order dated 18 January 2024 passed by the Competent Authority, Konkan Division, Mumbai.

5. The petitioner is permitted to hand over post dated four cheques for the agreed amounts by 13 May 2024 to the respondent no.1.

6. Liberty is granted to the parties in case, respondent no.1 is able to show it to the petitioner about payment of Rs.3,50,000/- being made for the month of January 2023.

7. The undertaking given by the petitioner is accepted and as undertaking given to this Court.

8. The Writ Petition is accordingly disposed of.

(RAJESH S. PATIL, J)