

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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CIVIL REVISION APPLICATION NO. 377 OF 2022

Shantabai Ramesh Dhoble

..... Applicant

VERSUS

Thomas Samuel

..... Respondent

Ms.Eventa A. Gonsalves a/w. Mr.Reyden L. Gonsalves for the Applicant.

Mr.Ashutosh R. Gole for the Respondent.

CORAM: RAJESH S. PATIL, J.

DATE : 1 FEBRUARY, 2024

P.C. :-

After the matter was argued for some time, the parties have agreed to dispose of the Civil Revision Application on certain conditions.

2. Civil Revision Application is disposed of with the following directions :-

(a) The judgment and decree passed by the Trial Court in RCS No. 274 of 2014 and as confirmed by the Appellate Court in Appeal No. 94 of 2017 is hereby confirmed.

(b) The applicant is permitted to occupy the suit premises for a further period of three months i.e. upto 30 April, 2024, subject to all adult family members of the applicant furnishing an usual undertaking to this Court within a period of one week from today. The said undertaking to state that they are the only persons who are residing in the suit premises and they will not create any third party interest in the suit premises and they will pay all the arrears of rent and also pay the agreed rent upto April 2024 to the landlord directly before 30 April, 2024.

(c) The said undertaking should also state that all the family members will vacate the suit premises on or by 30 April, 2024 and will handover peaceful possession to the respondent landlord.

(d) The respondent will pay a sum of Rs.10,00,000/- to the applicant by 28 April, 2024.

(e) Once the applicant has handed over possession to the respondent/landlord and the respondent/landlord has also paid the sum of Rs.10,00,000/-, all the disputes and differences between the parties will come to an end and if at all there are any proceedings pending between the parties, the same will also be treated as disposed of and so also the respondent/landlord has undertaking that they will not file any mesne profit application with regard to the suit premises.

3. The parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]