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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO. 593 OF 2024**

Ketki Ashutosh Ghare ... Appellant
VS.
Abbas G. Lakdawalla ... Respondent

Mr. Sachindra B. Shetye a/w. Mr. Nipun Sawant i/b. Mr. Akshay Pansare, for Appellant.

**CORAM : GAURI GODSE, J.
DATED : 4th OCTOBER 2024**

ORDER:

1. Learned counsel for the appellant submits that in the connected Second Appeal (St) No. 20115 of 2024, time to vacate the suit property was granted to the appellant on certain terms and conditions. He submits that the present second appeal arises out of the same decree. He submits that the present appellant is the original defendant no.7.

2. Learned counsel for the appellant on instructions submits that the appellant would not press the second appeal, however he seeks time to vacate the suit property as granted in Second Appeal(St) No. 20115 of 2024. In view of the request made on behalf of the

appellant, I am inclined to dispose of the appeal by granting time to vacate as prayed.

3. Appellant is granted leave to withdraw the Second Appeal.

4. The appellant is granted time till 23rd March 2025 to vacate the suit property, subject to the appellant filing an undertaking in this court stating that the appellant shall not create any third party interest or part with the possession of the suit property.

5. Necessary undertaking to be filed on or before 25th October 2024. Subject to the appellant filing the aforesaid undertaking, time is granted to the appellant to vacate the suit property on or before 23rd March 2025.

6. In view of the aforesaid, the second appeal is disposed of as withdrawn with the aforesaid liberty. In view of the disposal of the second appeal, the Interim Application if any is disposed of as infructuous.

7. Needless to clarify that in view of this order the impugned decree shall not be executed for the aforesaid period. However, if the appellant fails to comply with the aforesaid undertaking and hand over possession, the decree shall become executable.

(GAURI GODSE, J.)