

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 178 OF 2024

Vaibhavkumar Manganlal Shah

....*Applicant*

: *Versus* :

1. Mr. Laxman Dnyanoba Wanarase

and Ors.

....*Respondents*

Mr. Sushant S. Prabhune, *for the Petitioner.*

CORAM: SANDEEP V. MARNE, J.

Dated: 20 DECEMBER 2024.

P.C. :

1) Motion is made for speaking to the minutes of order dated 16 December 2024.

2) Mr. Prabhune, the learned counsel appearing for the Applicant would submit that the order was dictated in open Court and this Court had dealt with the ground of delay in filing of Suit after service of notice dated 15 December 2003. However, due to inadvertence, the said dictated portion is not reflected in the order which is uploaded on 16 December 2024. Accordingly, after paragraph-9, following paragraph No.10 be added in the order :-

10) Mr. Prabhune would submit that the Plaintiff had served notice dated 15 December 2003 raising the ground of *bonafide* requirement and arrears of rent, but filed a suit after passage of 10 long years in the year 2013 and that therefore the need which was expressed in the notice dated 15 December 2003 cannot be considered as *bonafide* or reasonable. However, the Applicant has not placed on record copy of the notice dated 15 December 2003 and therefore this Court is not in position to ascertain the exact reasons specified in the said notice and particularly the exact need that was expressed by the Plaintiff which prevailed in the year 2003.

3) Also, it appears that though the direction for permitting the Applicant to occupy the premises was dictated, the same is also not incorporated in the uploaded order. Therefore, after renumbered para-11, following para-12 be inserted in the order :

12) Considering the facts and circumstances of the case, Applicant/Defendant is granted time upto 28 February 2025 to vacate the possession of the suit premises subject to the condition of non-creation of third party rights therein.

4) The order be corrected and read accordingly.

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[SANDEEP V. MARNE, J.]