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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL (ST) NO.20115 OF 2024
WITH
INTERIM APPLICATION NO. 10825 OF 2024
IN
SECOND APPEAL (ST) NO.20115 OF 2024**

Ashutosh Madhav Ghare ... Appellant

Vs.

Abbas G. Lakdawalla ... Respondent

Mr. Sachindra B. Shetye i/b. Mr. Akshay S. Pansare for the Appellant.

Mr. Monish Jain (through VC) a/w. Mr. Sanjay Ranjane for the Respondent.

CORAM : GAURI GODSE, J.

DATE : 24th JULY 2024

ORDER :

1. Learned counsel for the appellant on instructions submits that the appellant would not press the Second Appeal, however they seek eight months time to vacate the suit property. 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.
2. Appellant is granted leave to withdraw the Second Appeal.
3. Appellant is granted time to vacate the suit property within

eight months from today subject to the appellant filing an undertaking in this court stating that the appellant shall not create any third party interest or part with possession of the suit property. Necessary undertaking to be filed within two weeks from today.

4. Subject to the appellant filing the aforesaid undertaking, time is granted to the appellant to vacate the suit property within eight months from today.

5. In view of the aforesaid, Second Appeal is disposed of as withdrawn with aforesaid liberty.

6. In view of the disposal of the Second Appeal, Interim Application No. 10825 of 2024 is disposed of 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.]