



6.caw.2505.2024 in wp.4740.2021.odt

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

CIVIL APPLICATION (CAW) NO. 2505 OF 2024

IN

WRIT PETITION NO. 4740 OF 2021

**(Shri Mahatma Bahuuddeshiya Sanstha, Nagpur & Anr. V/s Shri Sant Sonaji Buwa Maharaj
Paduka Public Charitable Trust, Nagpur & Ors.)**

Office Notes, Office Memoranda of Coram,
Appearances, court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mr. S. P. Bhandarkar, Advocate for Applicants/
Petitioners.

Mr. S. L. Kotwal, Advocate for
Non-applicants/Respondents.

CORAM : ANIL L. PANSARE, J.

DATE : SEPTEMBER 25, 2024.

. By the present Application, Applicant – Society is seeking extension of time to vacate the disputed premises on the ground that the Society is running a College, and in the midst of the academic year, it is difficult to vacate the premises and shift the College to the new premises. Accordingly, request is made to permit the Applicant to vacate the premises at the end of the academic session i.e. by June -2025.

2. The learned Counsel for Non-applicants/ Respondents has opposed the Application. He has invited my attention to the Judgment dated 29/1/2024 passed by this Court in the Writ Petition, wherein, while dismissing the Petition filed by the Applicants, upon request made by the Applicants, eight months' time was given to vacate the disputed premises. The request made by the Applicants has been noted by this Court and is considered in following terms :

“41. At this stage Shri Bhandarkar, learned counsel for the petitioners seeks time to vacate the premises. He submits that, since the petitioners are running a College and because of dismissal of the writ petition, the petitioners will have to vacate the premises in the midst of the academic session. He accordingly prays for eight weeks time so as to enable the petitioners to complete the academic year of the students and also to find out the alternate accommodation to shift to the new premises.

43. Considering the fact that, the petitioners are running a College, therefore, the issue relates to the academic career of the students, who are taking education in the petitioner No.2 College. Thus, in the interest of students and considering the undertaking given by the petitioners to this Court to vacate the premises within eight months from today, time of eight months is granted. Failure to vacate the premises within eight months would be treated as breach of undertaking given to this Court.

46. The Petitioners shall give undertaking in writing in the form of an affidavit, within two weeks from today.”

3. The learned Counsel for Non-applicants/ Respondents submits that similar such request, as has been made now, has been made at that time. The Court considered the same and granted substantial time of eight months to vacate the premises. The learned Counsel further submits that undertaking, in terms of paragraph No.46 of the order, had also been filed. He further submits that Non-applicants are in dire need of premises under question, and accordingly, made a request to reject the Application.

4. As could be seen, this Court while dismissing Petition has granted substantial time on a similar request made by the

Applicant. The Applicants ought to have taken effective steps to vacate the premises, one of which, was to make alternate arrangement. It is not the case of the Applicant that despite sincere efforts they could not get alternate accommodation. Having not taken any effort, time cannot be extended on identical ground on which time was granted. Accordingly, Civil Application is rejected.

(ANIL L. PANSARE, J.)

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