



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CIVIL APPLICATION (CAS) No.629 OF 2024
IN
SECOND APPEAL No.173 OF 2024

(Indian Bank (erstwhile Allahabad Bank), through its General Manager and another Vs.
M/s. Chandak Constructions, A partnership firm, through its partner)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. M.V. Acharya, Advocate for appellant.
Mr. J.B. Kasat, Advocate for respondents

CORAM : SANJAY A. DESHMUKH, J.
DATE : 26th JULY, 2024.

Corrected as per Court's
order dated 20.9.2024.

1. Issue notice to the respondents.
2. Learned Advocate Mr. J.B. Kasat, waives service of notice on behalf of respondents.
3. Learned Advocate for the appellant filed on record Undertaking dated 25.7.2024. He pointed out that suit premises would be vacated within three months from today. It is marked as X1 for identification.
4. In view of the Undertaking filed on record, the application for condonation of delay of is allowed and the delay of 56 days caused in filing second appeal is condoned in the interest of justice.
5. The application is disposed of.

SECOND APPEAL No.173 OF 2024.

1. Issue notice to the respondents.
2. Mr. J.B. Kasat, learned Advocate waives service

of notice on behalf of respondents.

3. Heard learned Advocates for both sides.

4. Learned Advocates for both sides submit that in view of Undertaking signed by the appellant, the appeal deserves to be disposed of.

5. Learned Advocates for both sides are agreeable that appellant-tenant will pay rent of three months (i.e. Rs.1,10,000/- per month) to the respondents.

6. In view of above, the appeal stands disposed of.

7. Learned Advocate for the respondents points out the M.P. M.J.C. No.2/2023 is pending before the Civil Judge, Senior Division, Amravati for mesne profit.

8. Oral submission of both sides for rent of Rs.1,10,000/- per month shall not cause any prejudice to the rights and contentions of the parties in the said proceeding.

9. The decree of the trial Court or the first Appellate Court, if any, is pending for execution shall not execute it only for three months from today.

(SANJAY A. DESHMUKH, J.)