

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1503 OF 2021

Santosh Suresh Kolembkar & Ors.	...Petitioners
<i>Versus</i>	
Hemlata Hariprasad Nachnolkar & Ors.	...Respondents

Mr. Ashutosh R. Gole, for the Petitioners.
Mr. D. S. Manerkar, for the Respondents.

CORAM: MADHAV J. JAMDAR, J.
DATED : 8th APRIL 2025

PC:-

1. At the outset, Mr. Ashutosh Gole, learned Counsel appearing for the Petitioners states that the Petitioner No.1A has passed away. Accordingly, he seeks leave to delete the name of Petitioner No.1A. Leave as prayed is granted. Amendment be carried out forthwith. Re-verification is dispensed with.

2. Mr. Ashutosh Gole, learned Counsel appearing for the Petitioners states that he has instructions to withdraw the Writ Petition. He states that however, as the Petitioners are running hotel business in the suit premises, longer time be granted to vacate the suit premises.

3. Accordingly, the Writ Petition is allowed to be withdrawn and dismissed as such.

4. As the Petitioners are running hotel business, the Petitioners are granted time to vacate the suit premises till 30th April 2028 on the condition that all the Petitioners shall file undertaking in this Court that the Petitioners will vacate the suit premises on or before 30th April 2028. Let such undertaking be filed within a period of three weeks from today.

5. The Petitioners shall pay an amount of Rs.3,000/- per month to the Respondent No.1(e) who will accept the said payment on behalf of all the Respondents. The said monthly compensation be deposited in the account of Respondent No.1(e) on or before 10th day of each succeeding month. The first such payment shall be paid on or before 10th May 2025.

6. Mr. Ashutosh Gole, learned Counsel appearing for the Petitioners gives undertaking on the instructions of the Petitioners, that the Petitioners will vacate the suit premises on or before 30th

April 2028. The said undertakings given by the Petitioners is accepted.

7. It is made clear that if said undertaking is breached, then the Petitioners are liable for action of contempt and in such an event the Court Receiver, High Court, Bombay shall stands appointed immediately. If the vacant possession is not given to the Respondents on or before 30th April 2028, the Court Receiver, High Court, Bombay shall take forcible possession immediately of the suit premises and handover the same to the Respondents.

8. Cost of the Court Receiver shall initially be paid by the Respondents and the same shall be thereafter be paid by the Petitioners to the Respondents.

9. The Writ Petition is dismissed, subject to above, with no order as to costs.

[MADHAV J. JAMDAR, J.]