

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.306 OF 2025**

Otarmal Manikchand Oswal (since deceased)
through legal heirs
Gopilal Otarmal Oswal & Ors.

...Applicants

Versus

Shivdas Laxman Medhi & Anr.

...Respondents

Mr. Drupad S. Patil, for the Applicants.
Mr. Amogh K. Karandikar a/w. Ms. Pooja Singh, for the
Respondents.

**CORAM: MADHAV J. JAMDAR, J.
DATED : 17th DECEMBER 2025**

PC:-

1. Heard Mr. Drupad Patil, learned Counsel appearing for the Applicants and Mr. Amogh Karandikar, learned Counsel appearing for the Respondents.

2. By the present Civil Revision Application, the challenge is to the legality and validity of the Judgment and Decree dated 22nd February 2011 passed by the learned Civil Judge, Junior Division, Karjat, District-Raigad in Regular Civil Suit No.43 of 1990 as also to the Judgment and Decree dated 12th October 2022 passed by the learned District Judge-3, Panvel, District-Raigad in Regular Civil Appeal No.37 of 2019. By the impugned order *inter alia* eviction

decree has been passed under the provisions of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1947 on the ground of bona fide requirement.

3. Mr. Drupad Patil, learned Counsel argued the matter for considerable time, however, as the Court is not inclined to entertain the Civil Revision Application, as both the Courts have passed concurrent decree on the ground of bona fide requirement and as the bona fide requirement of the Respondents-Landlords has been established and that there is no hardship to the present Applicants as commercial premises are available to them, Mr. Drupad Patil, learned Counsel, on instructions of the Applicants, seeks withdrawal of the Civil Revision Application. He submits that however, since the premises are commercial, longer time be granted to vacate the suit premises. He submits that instructions are given by all the Applicants and the Applicant No.1(b)-Sanjay Otarmal Oswal is personally present in Court. He submits that the necessary undertakings of all the Applicants will be filed in this Court on or before 7th January 2026.

4. Mr. Amogh Karandikar, learned Counsel appearing for the Respondents submits that reasonable time be granted for vacating

the suit premises. However, he submits that stringent conditions be imposed.

5. Accordingly, the following order is passed by consent:

ORDER

- (a) The Civil Revision Application is allowed to be withdrawn and dismissed as such.
- (b) The Applicants are granted time to vacate the suit premises till 31st December 2026 on the condition that all the Applicants shall file undertaking in this Court on or before 7th January 2026 undertaking that the Applicants and their family members are only in the possession of the suit premises and that the Applicants and all the family members will vacate the suit premises on or before 31st December 2026. The Applicants shall also pay an amount of Rs.1,000/- per month to the Respondent No.1-Shivdas Laxman Medhi by depositing the same in his account on or before 10th day of each succeeding month. First such payment shall be made on or before 10th January 2026.
- (c) If the Applicants or any person occupying the suit premises fail to vacate the suit premises and handover

the possession of suit premises to the Respondents by 31st December 2026, then in that event the Court Receiver, High Court, Bombay shall stand appointed forthwith. Initial charges of the Court Receiver be deposited by the Respondents and thereafter, the same shall be recovered from the Applicants.

- (d) The Court Receiver shall take immediate possession of the suit premises, if the suit premises are not vacated on or before 31st December 2026 from the Applicants or any person occupying the suit premises and handover the same to the Respondents. If necessary, the Court Receiver is permitted to take assistance of the police personnel.

6. All the above statement made by Mr. Drupad Patil, learned Counsel appearing for the Applicants, on instructions of the Applicants, are accepted as undertakings given to this Court.

7. Accordingly, the Civil Revision Application is allowed to be withdrawn and dismissed as such, subject to above.

SONALI
MILIND
PATIL

Digitally signed by
SONALI MILIND
PATIL

Date: 2025.12.20
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[MADHAV J. JAMDAR, J.]