

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6995 OF 2024

Rajesh Laxman Kale

...Petitioner

Versus

Bhalchandra Ramkrishna
Thakare And Ors.

...Respondents

Mr. Amey Deshpande, for the Petitioner.

Ms. Rukmini Khairnar i/b P.N. Joshi, for the Respondent.

Mr. Hamid Mulla, AGP for the Respondent – State.

CORAM: MADHAV J. JAMDAR, J.

DATED : 08th OCTOBER 2025

PC:-

1. Heard Mr. Deshpande, learned Counsel appearing for the Petitioner and Ms. Rukmini, learned Counsel appearing for the Respondent.

2. By the present Writ Petition filed under Article 227 of the Constitution of India the challenge is to the legality and validity of the order dated 11th April, 2023 passed by Additional Commissioner, Nashik Division, Nashik by which eviction order dated 09th May 2022 passed in Eviction

Application No. 09 of 2020 in Revision Application No. 325 of 2022 is confirmed.

3. By the impugned order dated 09th May 2022 the Competent Authority has allowed the Eviction Application and directed the Applicant to handover the vacant and peaceful possession of House No.-52/AD-2/8/2, Ashad Sector, Cidco, Nashik within 30 days to the Applicant. The said order is confirmed by the Additional Commissioner, Nashik Division, Nashik.

4. After arguing the matter for some time, Mr. Deshapnde, learned Counsel states that he has instructions to withdraw the Writ Petition. However, he states that 06 weeks time be granted to vacate the suit premises.

5. In view thereof, the following order is passed:

ORDER

- a) The Writ Petition is allowed to be withdrawn and dismissed as withdrawn.
- b) The Petitioner is granted time till 31st March, 2026 for vacating the suit premises. The Petitioner will pay an amount of Rs.3,000/- p.m. to the Applicant for the period from 01st October 2025 till 31st March 2026.
- c) It is made clear that if the Petitioner fails to vacate the suit premises by 31 March 2026, then, the Court Receiver High Court, Bombay shall stand appointed forthwith and the Court Receiver, High Court, Bombay shall take physical possession from the Petitioner or from any other person who is occupying the said premises and hand over the same to the Respondents. For the said purpose the Court Receiver is permitted to take Police protection.

- d) Initial payment of the Court Receiver charges shall be paid by the Respondents and the Petitioner shall reimburse the same to the Respondents.

6. Subject to above the Writ Petition is dismissed as withdrawn.

[MADHAV J. JAMDAR, J.]