

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.359 OF 2023
WITH
INTERIM APPLICATION NO.246 OF 2024

Hublal Satyanarayan Chorasias (deceased) ...Applicants
through LRs Ramkanya A. Chorasias & Ors.

Versus

Hawabai Ibrahim Tambe (deceased) ...Respondents
thru' Smt. Rabiabi Ibrahim Tambe & Ors.

Mr. Shriram S. Redij for Applicants.
Mr. Kishor T. Lawate a/w Mr. Akshay R. Kapadia (through VC) for
Respondents.

CORAM: MADHAV J. JAMDAR, J.
DATED : 18th February 2025

P.C.:

1. Heard Mr. Redij, learned Counsel appearing for the Applicants and Mr. Lawate a/w Mr. Kapadia, learned Counsel for the Respondents.

2. After arguing the matter for some time, Mr Redij, learned Counsel appearing for the Applicants seeks, on instructions of the Applicants, withdrawal of the Civil Revision Application. However, he states that time of one year be granted to vacate the suit premises.

3. Accordingly, the Civil Revision Application is allowed to be withdrawn and dismissed as such, however, the Applicants are granted time to vacate the suit premises till 31st March 2026.

4. The Applicants to file undertaking within a period of two weeks from today, disclosing about the names of all adult members staying with the Applicants in the suit premises and undertaking that the Applicants alongwith the family members shall vacate the suit premises on or before 31st March 2026. All adult members of the Applicants' family also shall file the said undertaking.

5. It is made clear that if the Applicants alongwith family members fail to vacate the suit premises on or before 31st March 2026, then the Applicants and all the adult members will be liable for action of committing contempt of the Court in addition to any other proceeding. Apart from that, if the Applicants and family members fail to vacate the suit premises on or before 31st March 2026, then the Court Receiver, High Court, Bombay shall stand appointed with respect to the suit premises immediately after 1st April 2026 and the Court Receiver shall take forcible possession

from the Applicants and family members and hand over the same to the Respondents.

6. The Applicants shall continue to pay compensation of Rs.5,000/- per month on or before 10th of each month till vacating the suit premises on or before 31st March 2026. The arrears of compensation till 28th February 2025, if any, to be paid within a period of three months from today.

7. Mr. Redij, learned Counsel, on instructions of Applicant No.1(a)(ii) who is present in Court, states on behalf of all the Applicants that above directions will be complied with. Said statement made on behalf of all the Applicants is accepted as undertaking given to this Court.

8. Learned Counsel for the Respondent Nos. 2 and 3 states that the Applicants are depositing compensation before the learned Trial Court and the said compensation deposited in the learned Trial Court be allowed to be withdrawn by the Respondents. Accordingly, the Respondents are allowed to withdraw the compensation deposited before the learned Trial Court.

9. The Civil Revision Application is allowed to be withdrawn and dismissed as such, subject to above.

10. As the Civil Revision Application itself is dismissed, nothing survives in the Interim Application and the same is also disposed of.

(MADHAV J. JAMDAR, J.)

Note: This Order is corrected as per the Speaking to the Minutes Order dated 17th March 2025.