

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.38 OF 2025

BHALCHANDRA
GOPAL
DUSANE

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Date: 2025.04.09
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Shri. Mohanlal Dhanraj Oswal @ Jain ...Applicants
(Deceased) through its LRs Chandanmal
Mohanlal Oswal @ Jain and Ors.

Versus

Shri. Shailesh Sadashiv Ugale & Ors. ...Respondents

Mr. Sumedh S. Modak, a/w Ms. Nilambari Deshmukh, Advocate for
Applicants.

CORAM: MADHAV J. JAMDAR, J.

DATED : 9th April 2025

P.C.:

1. After arguing the matter for some time, Mr. Modak, learned Counsel for the Applicants, on instructions of the Applicants states that if longer time to vacate the suit premises is granted, he has instructions to withdraw the Civil Revision Application.

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 Accordingly, the Civil Revision Application is allowed to be withdrawn and dismissed as such.

3. The Applicant is granted time to vacate the suit premises till 31st December 2026 on the condition that all the Applicants and all adult family members staying in the suit premises shall file

undertakings in this Court within a period of four weeks that the Applicants shall handover the possession of the suit premises to the Respondents on or before 31st December 2026.

4. The Applicants shall continue to pay to the Respondents compensation as determined by the learned Appellate Court during the pendency of the Regular Civil Appeal No.118 of 2019.

5. Mr. Modak, learned Counsel, on instructions of the Applicants, gives an undertakings to this Court that the vacant possession of the suit premises will be handed over to the Respondents on or before 31st December 2026. The said undertaking given by the Applicants is accepted as an undertaking given to this Court.

6. It is specifically made clear that in the event the said undertaking is breached, then the same will amount to committing contempt of this Court and in that event, the Court Receiver, High Court Bombay shall stand appointed as receiver of the suit premises. The Court Receiver, High Court, Bombay shall, immediately after 31st December 2026 if the possession is not

handed over by 31st December 2026 shall take physical possession of the suit premises and handover the same to the Respondents. The charges of the Court Receiver shall be initially paid by the Respondents and the same shall be reimbursed by the Applicants to the Respondents within a period of two weeks thereafter.

7. It is made further clear that if the Respondents are aggrieved by the time granted to the Applicants to vacate the suit premises, the Respondents are at liberty to file Interim Application or appropriate proceedings seeking modification of this Order.

(MADHAV J. JAMDAR, J.)