

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 15408 OF 2025

Poonam Mukim Agarwal and Anr. ...Petitioner
Versus
The State of Maharashtra thru. Addl. ...Respondent
Commissioner And Ors.

Mr. Archit Jayakar a/w. Ms. Bhoomi Upadhyay, Ms. Shivani Prasad
i/b. Jaykar and Partners for Petitioner
Mr. Bhavin Gada, i/b. Pratibha Mehta for Respondent Nos. 3 and 4.
Ms. Shaisha Pathan a/w. Ms. Vasudha Gupta i/b. YNA Legal, for
Respondent No.5

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

PC:-

1. Heard, Mr. Jayakar, learned Counsel appearing for the Petitioners, Mr. Gada, learned Counsel appearing for the Respondent Nos. 3 and 4 and Ms. Pathan, learned Counsel appearing for the Respondent No.5.
2. After arguing the Writ Petition for some time, Mr. Jayakar, learned Counsel appearing for the Petitioners seeks withdrawal of the Writ Petition. However, he submits that time till 30th April, 2026 be granted to vacate the premises in question. Mr. Jayakar, learned

Counsel states that the Petitioners will move an appropriate application in D.V. proceeding being D.V. Complaint No. 11 of 2023 seeking appropriate reliefs regarding residence order, if not already applied and therefore the said time is requested.

3. Mr. Gada, learned Counsel appearing for the Respondent Nos. 3 and 4 opposes the said request and states that time, if any, be granted till 31st March, 2026.

4. Accordingly, in the facts and circumstances and in the interest of justice the following order is passed :

ORDER

- i. Writ Petition is allowed to be withdrawn and dismissed as withdrawn.
- ii. The Petitioner is granted time to vacate the subject premises till 30th April, 2026 on the condition that the Petitioners shall file an undertaking in this Court within a period of four weeks from today undertaking to vacate the suit premises on or before 30th April, 2026.
- iii. It is made clear, that if on or before 30th April, 2026, the Petitioners fail to vacate the premises in question, in that case the Court Receiver, High Court, Bombay stands appointed forthwith. Initial Court Receiver

charges shall be deposited by the Respondent Nos. 3 and 4, to be recovered from the Petitioner.

- iv. The Court Receiver High Court, Bombay shall take immediate possession, if the subject premises is not vacated by the Petitioners on or before 30th April 2026.
- v. The Court Receiver, High Court, Bombay shall take immediate possession from the Petitioners or any other person occupying the premises and handover the same to the Respondent Nos. 3. The Court Receiver is also permitted to take police protection, if necessary.
- vi. The learned Additional Chief Metropolitan Magistrate, 15th Court, Mazgaon, Mumbai is requested to dispose of application filed seeking interim orders, in D. V. Complaint No. 11 of 2023, expeditiously.

5. Accordingly, the Writ Petition is allowed to be withdrawn and dismissed as such, subject to above.

[MADHAV J. JAMDAR, J.]