

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 16645 OF 2025

Vijaykumar Surajprakash Arora and ors.	...Petitioners
<i>Versus</i>	
Geeta Rajkumar Arora and ors.	...Respondents

Mr. B.S. Nayak i/b. Ms. Lalita Panchakshari, for the Petitioner
Mr. Sudhir Sadavarte, for the Respondent.

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

PC:-

1. Heard, Mr. Nayak, learned Counsel appearing for the Petitioner and Mr. Sadavarte, learned Counsel appearing for the Respondent.
2. This matter was heard yesterday and as the Court was not inclined to interfere in the impugned Judgment and Decree challenged in this Writ Petition, Mr. Nayak, learned Counsel appearing for the Petitioner sought adjournment to take instructions and therefore, the matter is kept today.
3. Today, Mr. Nayak, learned Counsel appearing for the Petitioner submits that he has instructions to withdraw the Writ

Petition, however, as the suit premises are residential premises, the Petitioner be granted time of 1 year to vacate the suit premises. He further submits that since he is not prosecuting the Writ Petition on merits, the Clause No.3 of Judgment and Decree dated 17th May 2022 passed by learned Additional Judge, Small Causes Court and Joint Civil Judge Senior Division, Pune in Civil Suit No.466 of 2011 regarding mesne profit be set aside.

4. Mr. Sadavarte, learned Counsel for the Respondents, on instructions, states that they have no objection for the above.

5. Accordingly, by consent 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- i. Writ Petition is allowed to be withdrawn and dismissed as withdrawn.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 suit premises till 31st December 2026 on the condition that the Petitioner will deposit in the account of the Respondent No.1 an amount of Rs.10,000/- per month on or before 10th day of each month, till he vacates the suit premises. First such payment shall be made on or before 10th January 2026.

- iii. The Petitioner shall file an undertaking in this Court within a period of four weeks from today undertaking to vacate the suit premises on or before 31st December 2026 and that he will pay said amount of Rs.10,000/- per month in the account of the Respondent No.1 till the Respondent No.1 receives the possession of the suit premises.
- iv. It is further made clear that if the Petitioner or his family members fail to vacate the suit premises by 31st December 2026, Court Receiver, High Court, Bombay shall be appointed immediately and the Court receiver shall take immediate physical possession of the suit premises from the Petitioner or whoever found in the possession of the suit premises and shall handover the possession of the suit premises to the Respondent No. 1. The Court Receiver is permitted to take assistance of the police, if necessary.
- v. Initial charges of the Court Receiver, High Court, Bombay shall be deposited with the Court Receiver by Respondent No.1 which shall thereafter be recovered from the Petitioner.

vi. By consent of the parties Clause No.3 of Judgment and Decree dated 17th May 2022 passed by the learned Additional Judge, Small Causes Court, Pune and Joint Civil Judge Senior Division, Pune in Civil Suit No. 466 of 2011 is quashed and set aside. The said Clause No.3 reads as under :

“3] Inquiry be held Under Order XX Rule 12 of Code of Civil Procedure Code for determinig mesne profits for the period from 02.08.2010 till recovery of possession of suit premises.”

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

[MADHAV J. JAMDAR, J.]