

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.387 OF 2025
WITH
INTERIM APPLICATION NO.10266 OF 2025

Manek Zetinga Shinde (deleted)
Bharatibai Manik Shinde & Ors. ...Applicants
Versus
David John Gonsalves & Ors. ...Respondents

Mr. Rajesh P. Khobragade, for the Applicants.

CORAM: MADHAV J. JAMDAR, J.
DATED : 11th SEPTEMBER 2025

PC:-

1. This matter was completely heard on 9th September 2025 and as the Court expressed that, on merits no ground is made out to interfere in the impugned order, Ms. Sapna Khobragade, learned Counsel appearing for the Applicants sought time to take instructions.

2. Today, Mr. Rajesh Khobragade, learned Counsel appears for the Applicants and states that the Applicants have instructed him to withdraw the Civil Revision Application, however, one year time

be granted to vacate the suit premises. Learned Counsel states that the undertakings of all the Applicants will be filed before this Court within a period of two weeks from today stating that the suit premises are occupied by the Applicants and no other person is in possession of the suit premises and that they shall vacate the suit premises by 30th September 2026. Learned Counsel further states that all these statements are made on the instructions of all the Applicants and the Applicant Nos.1(a) and 1(c) are personally present in the Court.

3. The above statements made by Mr. Rajesh Khobragade, learned Counsel appearing for the Applicants, on the instructions of all the Applicants, are accepted as undertakings given to this Court.

4. Accordingly, the Civil Revision Application is disposed of by passing the following order:

ORDER

(a) The Civil Revision Application is allowed to be withdrawn and dismissed as such.

- (b) The Applicants are granted time till 30th September 2026 to vacate the suit premises, on the condition that, the Applicants will file undertakings to vacate the suit premises by 30th September 2026 and further stating that the Applicants are only occupying the suit premises and no other person is occupying the suit premises except them and that the Applicants will deposit an amount of Rs.5,000/- per month before the learned Trial Court, which they were depositing during the pendency of the Appeal before the learned Appellate Court.
- (c) All the above statements made by the learned Counsel appearing for the Applicants, on the instructions of the Applicants, are accepted as undertakings given to this Court by the Applicants.
- (d) If in the event, the Applicants failed to vacate the suit premises by 30th September 2026, then immediately, the Court Receiver, High Court, Bombay shall stand appointed with respect the suit premises.

- (e) The Court Receiver, High Court, Bombay shall take immediate forcible physical possession from the Applicants or any other person found occupying the suit premises. For that purpose, Court Receiver, High Court, Bombay is permitted to take assistance of the police personnel, if necessary.
- (f) Initial charges of the Court Receiver, High Court, Bombay shall be borne by the Respondents and the same shall be thereafter recovered from the Applicants.
- (g) It is also further clarified that if the Applicants fail to vacate the suit premises, apart from the above order directing the appointment of the Court Receiver, High Court, Bombay to take forcible physical possession from the Applicants, the Applicants will be liable for action of Contempt of Court.
- (h) The Respondents are permitted to withdraw the amount deposited by the Applicants before the learned Trial Court.

5. Accordingly, the Civil Revision Application is dismissed, subject to above. As the Civil Revision Application is dismissed, nothing survives in the Interim Application and the same is also dismissed.

6. It is further made clear that as this order is passed without issuing notice to the Respondents, the Respondents are at liberty to apply before this Court seeking modification of the order, if they are aggrieved by this order granting time to vacate the suit premises to the Applicant.

[MADHAV J. JAMDAR, J.]

SONALI
MILIND
PATIL

Digitally
signed by
SONALI
MILIND
PATIL
Date:
2025.09.12
18:43:05
+0530