

Arjun

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.481 OF 2025

Subhash Shankar Keni & Ors.

...Applicants

Versus

Vranda G. Pai & Ors.

...Respondents

Mr. R. M. Haridas i/b Pratik B. Rahade, for the Applicants.

Mr. S. B. Amin a/w Sejal S. Amin, for Respondent No.1.

CORAM: MADHAV J. JAMDAR, J.

DATED: 16 OCTOBER 2025

P.C.:

1. Mr. Amin, learned Counsel appearing for Respondent No.1, states that the Order dated 3rd October 2025 passed by this Court has not been complied with, as the Applicants have not vacated the entire suit premises. He points out the Order dated 14th October 2025 passed by the learned Judge, Small Causes Court, Mumbai in Execution Application No.69 of 2011 in T.E. & R. Suit No.54/64 of 2003.

2. This Court has passed the Order dated 3rd October 2025 by which the statement of the Applicants is accepted as undertaking given to the Court that the suit premises would be vacated within 10 days.

3. It is required to be noted that the Suit has been decreed on 2nd December 2006 and even after almost a period of 19 years, the decree is not yet executed. This is a classic case where the observations of the Privy Council made about 150 years ago that the difficulties of the

litigants in India starts after getting the decree are applicable.¹ This is a very serious case where the Applicants have breached the undertaking given to this Court.

4. However, Mr. Haridas, learned Counsel appearing for the Applicants, on instructions of the Applicants, states that today in the evening the vacant possession of the premises in question will be handed to the Respondent No.1.

5. Mr. Amin, learned Counsel for Respondent No.1 is requested to communicate the Court Receiver about the receipt of the possession if given by the Applicant, failing which the Court Receiver, High Court, Bombay shall take immediate possession of the suit premises on 17th October 2025 at 11:00 a.m. and evict the Applicants or any other person occupying the suit premises if required, forcibly and/or by breaking open locks and handover the possession of the same to the Respondent No.1. The Court Receiver, High Court, Bombay is also permitted to take Police assistance, if required for getting the vacant possession of the suit premises. If the Applicants fail to remove their belongings from the premises, the Court Receiver shall handover possession of the premises along with such belongings to the Respondent No.1 after making inventory thereof.

6. The learned Counsel for Respondent No.1 shall lodge the papers and proceedings with the Office of the Court Receiver immediately.

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7. Stand over to 17th October 2025 at 03:00 pm to report compliance of this Order.

[MADHAV J. JAMDAR, J.]

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