

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.131 OF 2025
WITH
INTERIM APPLICATION NO.7155 OF 2025
IN
CIVIL REVISION APPLICATION NO.131 OF 2025

Mr. Shahabuddin Imamuddin Sajjan

...Applicant

Versus

Mr. Zakir Mehmood Memon & Ors.

...Respondents

Mr. Arshad Nehal, for the Applicant.

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

P.C.:

- 1.** Heard Mr. Nehal, learned Counsel appearing for the Applicant.
- 2.** By the present Civil Revision Application the challenge is to the legality and the validity of the Order dated 18th October 2024 passed by the learned District Judge, 17th Court, Pune in Regular Civil Appeal No.305 of 2015 and the Judgment and Decree dated 4th April 2015 passed by the learned Additional Judge, Small Causes Court, Pune in Civil Suit No.516 of 2023.
- 3.** Both the learned Courts have recorded concurrent finding that the Respondent - landlord has proved the ground of bonafide requirement. Both the learned Courts have held that the family of the Respondents is consisting of 13 members and there is one premises admeasuring 400 sq ft and another premises admeasuring 450 sq ft for the said family.

4. Thus, the aggregate area in possession of the Respondents is 850 sq ft where 13 members are staying and they are conducting in part of the premises printing press. As far as the bonafide requirement is concerned, both the Courts have concurrently held that, the suit premises are required for conducting the business of printing press in the part of the premises and for residence. Nothing has been pointed out to show that the said finding is contrary to the evidence on record. Thus, no case is made out for interference in the impugned order.

5. At this stage, Mr. Nehal, learned Counsel appearing for the Applicant, on instructions of the Applicant, who is present in Court, states that the Applicant is withdrawing the Civil Revision Application. He states that, however, some longer time be granted to vacate the suit premises.

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 Accordingly, the Civil Revision Application is allowed to be withdrawn and dismissed as such.

7. The Applicant is granted time to vacate the suit premises till 30th April 2027 on the condition that the Applicant and all adult members of the family of the Applicant, who are staying in the suit premises shall file undertakings in this Court within a period of 4 weeks from today, undertaking that they will vacate the suit premises on or before 30th April 2027.

8. It is made very clear that the said statement of the Applicant that

he will vacate the suit premises along with his family members is accepted as undertaking given to this Court. Such written undertaking be filed within a period of 4 weeks. It is further made clear that if the Applicant fails to vacate the suit premises by 30th April 2027, then the Court Receiver, High Court Bombay, shall stand appointed forthwith and Court Receiver shall take immediate possession if the Applicant fails to vacate the suit premises on or before 30th April 2027 and hand over the same to the Respondents.

9. The charges of the Court Receiver shall be initially paid by the Respondents and the same shall be reimbursed by the Applicant to the Respondents.

10. As this Order is passed without issuing notice to the Respondents, if the Respondents are aggrieved by the time granted to the Applicant to vacate the suit premises, then the Respondents are at liberty to file an appropriate Interim Application for modification of this order.

11. Accordingly, the Civil Revision Application is dismissed, subject to above.

12. As Civil Revision Application is dismissed, nothing survives in the Interim Application and the same is also disposed of.

[MADHAV J. JAMDAR, J.]