



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAS) NO.1096 OF 2025

IN

SECOND APPEAL NO.61 OF 2025

Dnyaneshwar Marotrao Rokde Vs. Vijay s/o Babulal Gupta

*Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order*

Court's or Judge's Order

Mr. C. S. Tamhane, Advocate for applicant/appellant.

Mr. Sawan Alaspurkar, Advocate for non-applicant/respondent.

CORAM : ROHIT W. JOSHI, J.

DATE : 03.11.2025.

. The Second Appeal was dismissed vide judgment dated 05.05.2025. Subsequently, an application for time to vacate the suit property was filed by the appellant/applicant. Time to vacate the property up to 31.10.2025 was granted vide order dated 09.05.2025.

2. This is an application seeking further extension of five months for vacating the suit property. It is stated that extension of time to vacate the property is necessary in view of health issues faced by the appellant and his wife.

3. The learned Advocate for the respondent opposes the request. He contends that earlier extension was sought on the very same ground. He further contends that, having regard to the contents of the application, it is apparent that the alleged health issue is not serious enough, warranting further extension of time.

4. The learned Advocate for the appellant states that, in compliance of earlier order, an amount of Rs.2,50,000/- was deposited by the appellant to show his

bona fide. He further makes a statement, on instructions from the appellant that further extension will not be sought.

5. In view of the statement made across the bar that the appellant will not seek further extension of time and shall positively vacate the suit property within such time as this Court may permit, this Court is inclined to extend the time for vacating the suit property till 31.01.2026.

6. This extension is granted subject to the condition that the appellant shall pay a sum of Rs.30,000/- to the respondent for occupation of the suit property for further period of 3 months up to 31.01.2026. This amount shall be paid on or before 20.11.2025.

7. In the event, the amount is not paid before 20.11.2025, the present order shall stand vacated forthwith without reference to the Court. The statement that the suit property will be vacated positively before 31.01.2026 and that no further request for extension of time will be made is accepted as an undertaking to the Court. The Civil Application is **disposed of** by granting extension of time for vacating suit property upto 31.01.2026.

(ROHIT W. JOSHI, J.)

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