

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11525 OF 2024

WITH

INTERIM APPLICATION NO. 11874 OF 2024

(for Stay)

IN

WRIT PETITION NO. 11525 OF 2024

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1. Aslam Sayad Nabab
 2. Rashid Sayyad Nabab
- ...Petitioners

Versus

1. Mrs. Mariyambi Shaikh Kadar
 2. Mrs. Umrabi Shaikh Kadar
 3. Sau. Kamrunnisa Yusuf Pathan
 4. Sau. Meharunnisa Abdul Majid
- ...Respondents

Mr. Ratan Adhe *i/b Santosh R. Gangawane, for Petitioners.*
None for Respondents.

CORAM : MADHAV J. JAMDAR, J.

Date : 10th February, 2026

P C :

1. Mr. Ratan Adhe, learned Counsel appearing for the Petitioners, after arguing the matter for some time, as the Court was not inclined to grant the relief as prayed, seeks withdrawal of the writ petition. Learned Counsel submits that the Petitioners be granted time of one year to vacate the suit premises.

2. Accordingly, the following order is passed :

- a) The Writ Petition is allowed to be *withdrawn* and *dismissed* as such.
- b) The Petitioners are granted time upto 28th February, 2027 to vacate the suit premises, on the condition that both the Petitioners and all other adult family members shall file undertaking in this Court within four weeks from today giving undertaking to this Court that on or before 28th February, 2027, they will vacate the suit premises. The statement to that effect made by Mr.Adhe, Learned Counsel of the Petitioners, on instructions, is accepted as undertaking given to the Court.
- c) The Petitioners shall pay to the Respondents an amount of Rs. 3,926/- per month till vacating the suit premises. The said amount is to be paid on or before 15th of each month. First such payment is to be made by the Petitioners on or before 15th February, 2026. It

is clarified that the said payment is without prejudice to the rights and contentions of both the parties.

- d) It is made clear that if the Petitioners fail to vacate the suit premises by 28th February, 2027, in that event, the Court Receiver, High Court, Bombay shall stand appointed forthwith with all the powers under Order XL of the Code of Civil Procedure, 1908.
- e) The Court Receiver shall take possession of the suit premises and hand over the same to the Respondents, if the Petitioners fail to vacate the suit premises on or before 28th February, 2027.
- f) The initial charges of the Court Receiver shall be deposited by the Respondents and the same to be recovered from the Petitioners. If required the Court Receiver is permitted to take police protection.

3. It is made further clear that in case, the Petitioners fail to vacate the suit premises on or before 28th February, 2027, then in that

event, they will be liable to be prosecuted for contempt of the Court for breaching the undertaking given to this Court.

4. As this order is passed without issuing notice to the Respondents, liberty is granted to the Respondents to file Interim Application seeking modification of this order.

5. Accordingly, the Writ Petition is *dismissed* as *withdrawn* subject to above.

[MADHAV J. JAMDAR, J.]