

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 6186 OF 2023**

M/s.Shady Grove Hotel ..... Petitioner

***Versus***

The Airport Authority of India and Anr. .... Respondents

.....

Mr.Surel Shah a/w. Mr.Mrunal Surana and Mr.Bharat Jain i/b. M/s.  
Economic Laws Practice, Advocate for Petitioner.

Ms.Shilpa Kapil a/w. Mr.Chidanand Kapil, Advocate for Respondent No.1.

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**CORAM : RAJESH S. PATIL, JJ.  
VACATION JUDGE**

**DATED : MAY 8, 2023**

**P.C. :**

1           The present Writ Petition is filed by Petitioner challenging the judgment and order dated 23<sup>rd</sup> March 2023, passed by the City Civil Court, Bombay in Misc. Appeal No.19 of 2015.

2           The proceeding arises from the order of eviction passed by the Estate Officer under the Public Premises Eviction Act. By order dated 23<sup>rd</sup> March 2023, Petitioner were directed to evict the premises till 31<sup>st</sup> March 2023 subject to filing an undertaking that he physically is in possession of the suit premises, and that he will not create third party interest and will honour the order of the Estate Officer.

3 Today, the advocate for Petitioner has tendered a copy of undertaking dated 2<sup>nd</sup> May 2023 (1<sup>st</sup> undertaking) and also an undertaking dated 3<sup>rd</sup> May 2023 (2<sup>nd</sup> undertaking).

4 Advocate for Respondents states that the first undertaking dated 2<sup>nd</sup> May 2023 can be considered as filed in time, if the impugned order is considered to be available only on 6<sup>th</sup> April 2023. However, she objects the wording as stated in the undertaking dated 2<sup>nd</sup> May 2023 so also the subsequent undertaking dated 3<sup>rd</sup> May 2023. She also objects these two undertakings were not filed in this Court or in the City Civil Court, Mumbai.

5 Advocate for the Petitioner has agreed to file fresh undertaking latest by tomorrow, i.e., 9<sup>th</sup> May 2023 in this Court with the corrections, as mentioned by the advocate for Respondents. The said undertaking be filed by tomorrow, i.e., 9<sup>th</sup> May 2023 and the copy of the same should be also served on the advocate for Respondents. If the undertaking is filed by tomorrow, as per the corrections mentioned by Respondents, time to vacate granted by the City Civil Court, Mumbai, be extended till 15<sup>th</sup> June 2023.

6 Mr.Shah, advocate for Petitioner undertakes to file the undertaking with addition of word, “physical” in line number 6 before the word, “occupation”, as mentioned by advocate for Respondents.

7 Writ Petition to come up before the regular Court on 12<sup>th</sup> June 2023.

8 Parties will co-operate and will not seek any kind of adjournment on 12<sup>th</sup> June 2023.

**(RAJESH S. PATIL, J.)**