

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

**WRIT PETITION NO. 469 OF 2020**

Nikhil Kamal Saini	...	Petitioner
V/s.		
Clement Francis Misquitta & Anr.	...	Respondents

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Mr.Nikhil Seth for Petitioner.  
Mr.Alok Kumar Singh for Respondents.

**CORAM : A.S. GADKARI, J.**

**DATE : 25<sup>th</sup> February 2020.**

**PC. :**

1] The present Petition was heard at length yesterday i.e. 24<sup>th</sup> February 2020 and when this Court expressed its disinclination to interfere with the impugned Orders, the learned counsel appearing for the petitioner on instructions from the petitioner who was personally present in the Court, submitted that, the petitioner will handover vacant and peaceful possession of the suit property to the respondents-landlord within stipulated period. The learned counsel had requested this Court to grant indulgence and reduce the compensation amount of Rs.90,000/- per month as has been awarded by the Competent Authority by its impugned Order dated 5<sup>th</sup> October 2018. This Court

therefore had requested learned counsel for the respondent to accept payment of Rs.50,000/- per month from the date of expiry of the last 'Leave and Licence Agreement' which expired on 4<sup>th</sup> September 2017. Learned counsel appearing for the respondent on instructions had gracefully acceded to the request made by this Court.

2] In view of the deliberations which took place yesterday, the learned counsel appearing for the petitioner today has filed "Undertaking of the Petitioner" dated 25<sup>th</sup> February 2020. The said undertaking is duly signed by the petitioner herein and his signature has been identified by his Advocate on record. The said undertaking is taken on record and marked "X" for identification. The statements made in the said undertaking are accepted as undertakings given to this Court. In the undertaking, the petitioner has undertaken to vacate the suit premises and handover its vacant and peaceful possession in favour of the respondents on or before 31<sup>st</sup> March 2020. The petitioner has also undertaken to pay compensation to the respondents as has been more specifically mentioned in the said undertaking. The statement of the petitioner that, he shall vacate the suit premises on or before 31<sup>st</sup> March 2020 is accepted as further undertaking given to this Court by him.

3] It is made clear that, if the petitioner fails to handover vacant and peaceful possession in favour of the respondents on or before 31<sup>st</sup> March 2020, the respondents will be at liberty to execute Order dated 5<sup>th</sup> October 2018

passed by the Competent Authority (Rent Act), Konkan Division, Mumbai, in Case No. 53 of 2018 with police assistance. In such an event, the Executing Authority will consider the request of the respondents for providing police protection for executing the said impugned Order positively.

4] Place the Petition on board on 3<sup>rd</sup> April 2020 for 'reporting compliance'.

**[A.S. GADKARI, J.]**