

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3125 of 2004

In

Writ Petition No.5825 of 2000

Deependra Mohan K. Srivastav

and Anr. ...Applicants

V/s

Smt.Susheelabai B. Rane ..Respondent

Shri D. Singh i/b M/s Thakordas and Mad. for  
Applicants

Shri Uday G. Jaguste for Respondent

CORAM:S.R.SATHE,J.

DATED:30th Dec. 2004

P.C.:-

. Heard the learned Advocate for the Petitioner,  
who has filed this Civil Application for seeking  
extension of time to vacate the premises. The  
learned Advocate for opponent has opposed the  
application.

. Admittedly, by order dated 30-8-2002 passed in  
Writ Petition No.5825 of 2000 at the request of the

present applicant time was granted to him to vacate the suit premises by 31-12-2004. However, it seems that now he wants to contend that he is not in a position to vacate the suit premises as there are some difficulties. Firstly with regard to his children's education and secondly that he is not having any alternate accommodation. According to him he has in fact booked a flat and construction of the same is practically over but there is no water connection and as such it is submitted that time till April 2005 be granted.

. Firstly, it has to be mentioned that similar application was filed by present petitioner and the same has been rejected on merits by this Court on 17-12-2004.

. It must be noted that more than 2 years time was granted to him to vacate the suit premises. It was therefore essential for the applicant Petitioner to take all necessary steps and vacate the premises as directed by the Court.

. Under such circumstances, there is absolutely no justifiable reason to grant any further extension. Though decree for possession is passed in favour of the Respondent, he is not in a position to get actual possession for last two years. Grant of any extension would cause injustice to respondent.

. Hence no interim relief as prayed for can be granted. Application is rejected.

. Parties to act on the copy of this order duly authenticated by Sheristedar of the Court.

(S.R.SATHE,J.)