## FARAD CONTINUATION SHEET. IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION No.2412 OF 2006. IN WRIT PETITION No.4531 OF 2006.

Office Notes,Office Court or Judge's Order.

Memorandum of Coram
apperance,Court's
Orders & Directions
and Registrar's
Order.

Shri M.P.Mishra, Counsel for the Petitioner.

CORAM: V.C.DAGA,J.

DATED: 29.09.2006.

Not on Board. Mentioned. Taken on Board.

P.C.:-

Heard the learned Counsel for 1] Applicant. Application the By this seeking restoration the he of the which possession suit property lost under execution the landlord decree for Today eviction. is in possession of the suit premises on the basis of eviction decree obtained by him.

2] At this juncture, learned

appearing for the Applicant Counsel submits that in view of the Order of Court 11th September,2006 Apex dated entitled for the relief he is claimed. In my considered view, the submission made is misplaced.

3] It will be relevant to place on record that my predecessor vide 18th July, 2006 order dated was pleased to dismiss the petition filed the instance the of tenant. However, granted time to vacate the suit premises within six weeks subject filing to the of the period undertaking within of two weeks from the date of order. Instead of furnishing undertaking to this Court vacate the to suit preferred premises, the petitioner Special file Petition for Leave Appeal in the Supreme Court that too undertaking filing in without this Court. During the pendency of Petition, the petitioner lost It possession. was not disclosed by

the

Apex

Court.

the

Petitioner to

Since	the	petitioner		has	lost
possession	in	execution	of	the	decree
for	eviction,	the	petitioner	is	not
entitled	for	restoration	1	of	the
possession. Petition is,therefore,					
rejected with no order as to costs.					

[V.C.DAGA,J.]