

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2009  
(CC 1799/2009)  
(From the judgement and order dated 21/08/2008 in CRA No.136/2008  
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

SURIYAKANT BHIKHALAL HAKANI & ANR.

Petitioner(s)

VERSUS

SUSHILABEN P.KHANDDHERIA (D) BY LRS.

Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 20/02/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. C.K. Sharma,Adv.  
Mr. Rahul Kaushik,Adv.  
Mr. Aditya Sharma,Adv.  
Mr. K.S. Rana,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel for the petitioners.

Delay condoned.

We do not find any ground to interfere with the  
impugned order.

The special leave petition is, accordingly, dismissed.

...2/-

-2-

The petitioners are, however, granted time till 31st  
August 2009, to vacate the premises in question upon filing  
usual undertaking in this Court within four weeks from  
today.

It is directed that in case the petitioners fail to  
vacate the premises in question within the aforesaid time, it  
would be open to the decree holder to file an execution  
petition for delivery of possession and in case such a petition  
has been already filed, an application shall be filed therein  
to the effect that the petitioners have not vacated the  
premises in question within the time granted by this Court.  
In either eventuality, the Executing Court is not required to  
issue any notice to the petitioners. The Executing Court will

see that delivery of possession is effected within a period of fifteen days from the date of filing of the execution petition or the application aforementioned. In case for delivery of possession any armed force is necessary, the same shall be deputed by the Superintendent of Police within forty eight hours from the date requisition is received therefor. It is also directed that in case anybody else, other than the petitioners, is found in possession, he shall also be dispossessed from the premises in question.

Needless to say that if the respondents feel aggrieved by this part of the order, it shall be open to them to seek its recall.

[ Alka Dudeja ]  
Court Master

[ Savita Sainani ]  
Court Master