

ITEM NO.67

COURT NO.7

SECTION III-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CONMT.PET.(C) No.81/2026 in SLP(C) No.1491/2025

PRADEEP KUMAR SAH GANGOLA & ORS.

Petitioner(s)

VERSUS

RIZWANA KHAN & ORS.

Respondent(s)

WITH

Diary No(s). 179/2026 (III-A)

IA No. 69953/2026 - APPLICATION FOR CONDONATION OF DELAY IN FILING
EXTENSION OF TIME

IA No. 1442/2026 - MODIFICATION

Date : 15-05-2026 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :

Mr. Naresh Kaushik, Sr. Adv.
Mr. Vardhman Kaushik, AOR
Mr. Anand Singh, Adv.
Ms. Shikha John, Adv.
Mr. Dhruv Joshi, Adv.
Mr. Girish Joshi, Adv.
Mr. Naresh Singh Mankoti, Adv.
Ms. Elaisha Asher, Adv.

Mr. Romil Pathak, Adv.
Mr. Aravind C., Adv.
Mr. Prashant Chaturvedi, Adv.
Mrs. Neha Pathak, Adv.
Ms. Prashanthi Alias Bharathi, Adv.
Mr. Bharat Shandilia, Adv.
Ms. Jagrati Singh, AOR

For Respondent(s) : Mr. Anand Mishra, AOR

Mr. Romil Pathak, Adv.
Mr. Aravind C., Adv.

Mrs. Neha Pathak, Adv.
Mr. Prashant Chaturvedi, Adv.
Ms. Prashanthi Alias Bharathi, Adv.
Mr. Bharat Shandilia, Adv.
Ms. Jagrati Singh, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

1. Our order dated 31.01.2025 reads thus:-

"1. Exemption Applications are allowed.

2. This petition arises from the Judgment and Order passed by the High Court of Uttarakhand at Nainital dated 19-12-2024 in Civil Revision No.119/2024 by which the Civil Revision filed by the petitioners - herein came to be rejected and the High Court directed the petitioners - herein in their capacity as tenants of the premises in question to handover the possession of the premises to the landlord and pay mesne profits @ Rs.4000/- per day from 1-12-2024 till the date the possession is handed over.

3. On 24-1-2025, this Court passed the following order:-

"1. We have heard Mr. R. Anand Padmanabhan, the learned senior counsel appearing for the petitioners and Mr. Vardhaman Kaushik, the learned counsel appearing for the respondents.

2. It is not in dispute that the lease period came to an end on 31st December, 2020. The petitioners were obliged in law to vacate the premises.

3. The learned senior counsel appearing for the petitioners fairly submitted that he would not argue the matter on merits but made a fervent appeal that his client(S) may be granted time to vacate the premises up to 31st December, 2025.

4. On the other hand, the learned counsel pointed out that an amount of Rs.20 lakh and odd is due and payable by the petitioners towards lease rental etc.

5. Let the break up of the amount due and payable be shared with the learned counsel appearing for the petitioners today itself.

6. We expect the petitioners to deposit the amount towards arrears accumulated till this date. We may also consider to put them to certain conditions as regards the lease rental to be paid every month till the time we grant them to vacate the premises.

7. xx xx xx xx"

4. Today, when the matter was taken up for further hearing, Mr. Anand Padmanabhan, the learned Senior counsel appearing for the petitioners - tenants submitted that he has with him

a demand draft bearing No.271079 dated 30-01-2025 drawn on Punjab and Sind Bank, Nainital Road, Rampur (U.P.) in favour of "Sundari Sah Gangola" of the amount of Rs.10,00,000/- and he is ready and willing to hand it over to the learned counsel appearing for the landlords.

5. In the course of the hearing, there was some debate as regards the exact amount due and payable by the petitioners.

6. We are of the view that the respondents should accept the demand draft and at the same time permit them to also withdraw the amount which is lying with the court below deposited over a period of time by the petitioners - herein. We are not sure what is the exact amount lying with the registry of the court below. Whatever may be the amount, we permit the respondents to withdraw that amount.

7. In the aforesaid view of the matter, we grant time to the petitioners - herein to vacate the premises in question upto 31-12-2025. The petitioners are directed to handover the vacant and peaceful possession of the property on or before 31-12-2025 to the respondents. The petitioners are also directed to file an undertaking in this regard on oath before this Court that they shall handover vacant and peaceful possession of the premises on or before 31-12-2025. Such an undertaking shall be filed within a period of 8 days from today and one copy of the same shall be provided to the learned counsel appearing for the respondents. If there is any further dispute between the parties, it shall be open for the respondents - herein (landlords) to avail appropriate legal remedy before the appropriate forum in accordance with law.

8. As we have granted time to vacate the premises upto 31-12-2025, the petitioners shall from this month i.e. January 2025 till 31-12-2025 pay an amount of Rs.70,000/- per month towards lease rental to the respondents. A xerox copy of the Demand Draft is taken on record of this case.

9. The Special Leave Petition is disposed of in the aforesaid terms.

10. Pending applications, if any, also stand disposed of."

2. The original petitioners were granted time to vacate the premises in question upto 31.12.2025. Till yesterday, the possession was not handed over.

3. This matter was heard yesterday for some time and we made ourselves very clear to Mr. Romil Pathak, the learned counsel appearing for the respondents herein (original petitioners) that if

his clients fail to handover vacant and peaceful possession of the premises by today, we would hold them guilty of contempt.

4. Today, when the matter was taken up for hearing, the learned counsel appearing for the contempt petitioners brought to our notice that yesterday, possession was handed over, however, there is one saloon, one gym and one restaurant within the premises of this hotel, which, according to Mr. Pathak, his clients have nothing to do with the same. These three parts were not a part of original lease deed.

5. We would like to know, who are these persons who are occupying and running the saloon, the gym and one restaurant by name *Milan*.

6. The learned counsel appearing for the contempt petitioners shall furnish us with the necessary details of all these persons who are actually in use and occupation of the gym, saloon and the restaurant by the next date of hearing.

7. Post the matters on 28.05.2026.

(HARPREET KAUR)
COURT MASTER (SH)

(POOJA SHARMA)
COURT MASTER (NSH)