

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

CONTEMPT PETITION (C) NO. 52 OF 2007 IN SLP(C) 10332/2006

SARAMMA GEORGE & ORS.

Petitioner(s)

VERSUS

R.K. NAIR

Respondent(s)

(With office report)

Date: 16/05/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s) Mrs. Rohini Musa, Adv.

Ms. Binu Tamta, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

We have heard learned counsel for the parties. In this case, a petition was filed for eviction of tenant in the year 1991. An eviction

order was passed which was confirmed by all courts including this Court. So

far as this Court is concerned, an order was passed in SLP on June 28, 2006.

The said order reads as under :-

"Heard Mr. V. Prabhakar, learned counsel for the petitioner and Mr. Shiva Santanam Swami Nadhan, learned counsel for the respondents, and perused all the three orders. There is absolutely no scope for interference with the concurrent findings rendered by the courts below. We affirm the eviction orders passed by the High Court affirming the orders passed by the Appellate Authority and the Rent Controller. However, time is granted upto 31st January, 2007 to the petitioner to vacate and

- 2 -

handover peaceful possession of the premises in question, subject to the filing of usual undertaking by the petitioner in this Court within four weeks from today.

The special leave petition is dismissed accordingly."

It appears that thereafter, in pursuance of the order passed by this Court, an undertaking was also filed on July 7, 2006. The tenant was to vacate on or before 31.1.2007. The premises, however, have not been vacated. Hence, Contempt Petition (C) No.52 of 2007 was filed. On April 30, 2007 notice was issued by this Court returnable within 3 weeks. Dasti, in addition, was also permitted.

It was stated at the Bar by the learned counsel for the tenant that so far the possession has not been handed over to the landlord. Ld. Counsel,

however, has stated that according to his client, there were some understanding between landlord and tenant and that the premises will be vacated on or before 30th June, 2007. So far as learned counsel for the landlord is concerned, she stated that there is no such understanding between the parties.

In view of this fact, this Court has finally passed the order and

directed the tenant to vacate the premises on or before January 31, 2007. In

view of the undertaking dated 7th July, 2006, in our opinion ends of justice

would be met if we issue the following directions:-

1. The possession will be handed over, if necessary, by giving police protection to the landlord on or before May 31, 2007.

2. Notice for contempt as to why appropriate proceedings should not be initiated

- 3 -

3. against the tenant for committing breach of undertaking given to this Court.

Contemnor should personally present in the Court on July 30, 2007.

Further proceedings will be taken thereafter.

(Sudhir Kapoor)

PS to Registrar

(Vinod Kulvi)

Court Master