

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

C I V I L A P P E A L N O (s) . 8 3 7 O F 2 0 0 2

M A D A N L A L & O R S .

A p p e l l a n t (s)

V E R S U S

H A R I S I N G H (D) B Y L R S .

R e s p o n d e n t (s)

Date: 1 2 / 1 2 / 2 0 0 7 This Appeal was called on for hearing today.

C O R A M :

H O N ' B L E D r . J U S T I C E A R I J I T P A S A Y A T
H O N ' B L E M R . J U S T I C E P . S A T H A S I V A M

For Appellant(s) Mr. Ranja n Mukherjee, Adv.
Mr. Sanjoy Kr. Ghosh, Adv.
Mr. Avijit Bhattacha rjee, Adv.

For Respondent(s) Mr. S.K. Bhalla, Adv.
Mr. S.R. Setia, Adv.

U P O N hearing counsel the Court made the following
O R D E R

The appeal is disposed of in terms of the signed order.

(Neena Verm a)
Court Master

(Vijay Aggarwal)
Court Master

Signed order is placed on the file.
I N T H E S U P R E M E C O U R T O F I N D I A
C I V I L A P P E L L A T E J U R I S D I C T I O N

C I V I L A P P E A L N O . 8 3 7 O F 2 0 0 2

Madan Lal and Ors.

...Appellants

Versus

Hari Singh (D) by L.R s.

...Respondents

O R D E R

Heard learned counsel for the parties.

Having heard learned counsel for the parties, we are of the view that the impugned judgment suffers from no infirmity to warrant interference. The appeal is, accordingly, dismissed.

It is, however, submitted by learned counsel for the appellants that they are occupying the premises for nearly half a century. Considering this aspect, we direct that they shall be permitted to occupy the premises till the end of December, 2009 subject to filing of an undertaking before this Court within four weeks from today to the effect that they shall hand over the vacant possession of the premises to the respondent. Needless to say that except normal wear and tear to the property, no damage shall be caused by the appellants to the premises before they actually vacate the premises.

The appeal is disposed of accordingly.

The direction of the High Court for payment of damages @ Rs.500 / - per month shall be operative from 01.10.2007 till end of December, 2009 .

..... J.

(Dr. ARIJITPASYA)

..... J.

(P. SATHIVAM)

New Delhi,
December 12, 2007 .