

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 3467-3468/2010

SMT. NOORUNISSA BEGUM

Appellant(s)

VERSUS

BRIJ KISHORE SANGHI
(With office report)

Respondent(s)

WITH

C.A. No. 3471/2010

(With prayer for Office Report)

C.A. No. 3469-3470/2010

(With prayer for and permission and Office Report)

C.A. No. 3473/2010

(With prayer for Office Report)

C.A. No. 3472/2010

(With prayer for Office Report)

C.A. No. 3474-3475/2010

(With prayer for Office Report)

C.A. No. 3476/2010

(With prayer for Office Report)

SLP(C) No. 16508/2012

(With prayer for Office Report)

SLP(C) No. 15230-15232/2012

(With prayer for Prayer for Interim Relief and Office Report)

C.A. No. 7825-7826/2012

(With prayer for Prayer for Interim Relief and Office Report)

C.A. No. 2569/2013

(With prayer for Office Report)

SLP(C) No. 35787/2012

(With prayer for Prayer for Interim Relief and Office Report)

SLP(C) No. 15154-15155/2014

(With prayer for Prayer for Interim Relief and Office Report)

Date : 15/07/2014 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

HON'BLE MR. JUSTICE S.A. BOBDE

For Appellant(s)

Signature Not Verified

Digitally signed by

Mr. Dhruv Mehta, Sr. Adv.

Neeta Sapra

Date: 2014.07.19

14:26:52 IST

Mr. Yashraj Singh Deora, Adv.

Reason:

M/s Mitter & Mitter Co. ,Adv.

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Ms. Promila ,Adv.

Mr. V. N. Raghupathy ,Adv.

Mr. T. V. Ratnam ,Adv.

Mrs. D. Bharathi Reddy ,Adv.

Mr. Roy Abraham, Adv.

Mr. Himinder Lal ,Adv.

Mr. Prashant Mehra, Adv.

Mr. Pramod B. Agarwala ,Adv.

Mr. Vishnu Shankar Jain, Adv.

Mr. Shriram Parakkai, Adv.

Mr. Ajay Choudhary ,Adv.

Dr. Surat Singh, Adv.

Mr. Brajesh Kumar Singh, Adv.

Mr. M.C. Dhingra, Adv.

For Respondent(s)

Mr. P. Niroop, Adv.

Mr. Chandan Kumar, Adv.

Mr. Anil Kumar Tandale ,Adv.

Mr. M. Srinivas R. Rao, Adv.

Mr. J. Govardhan Reddy, Adv.

Mrs. Sudha Gupta ,Adv.

Mr. Annam D. N. Rao ,Adv.

Mr. A. Venkatesh, Adv.

Ms. Neelam Jain, Adv.

Ms. Vaishali R., Adv.

Mr. Amit Pawan ,Adv.

Mr. Suryodaya Kr. Tiwari, Adv.

Mr. Abhishek Amritanshu, Adv.

Mr. D. Bharat Kumar, Adv.

Mr. Sayooj Mohandas M., Adv.

Mr. Balasubrahmanyam K., Adv.

Mr. Abhijit Sengupta ,Adv.

Ms. T. Anamika ,Adv.

Mr. Ashok Mathur ,Adv.

Mr. M. Vijaya Bhaskar ,Adv.

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Mr. Anukul Ch. Pradhan, Sr. Adv.

Mr. Rajiv Roy, Adv.

Mr. Abhiro Chatterjee, Adv.

Mr. Pranab Kumar Mullick ,Adv.

Mr. R. Venkatramani, Adv.

Mr. Talha Rahman, Adv.

Mr. M. Shueb Alam ,Adv.

Mr. Anupam Pandey, Adv.

Mr. Vadrevu Pattabhi Ram, Adv.

Mr. M. Vijaya Bhaskar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

C.A. No. 3469-3470 of 2010

The civil appeals are dismissed as having become infructuous in terms of signed order.

C.A. Nos.3467-3468, 3471, 3473, 3472, 3474-3475,

3476 of 2010 and SLP(C) Nos. 16508, 15230-15232 of 2012, C.A. Nos. 7825-7826/2012, C.A. No. 2569/2013, SLP(C) No. 35787/2012 and SLP(C) No. 15154-15155/2014

Rest the matters remained part heard.

Post the remaining matter on 17th July, 2014 as part-heard.

(Neeta)
Sr. P.A.

(Signed order is placed on the file)

(Usha Sharma)
Court Master

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 3469-3470 OF 2010

MOHAMMED ISHAQUE

Appellant(s)

VERSUS

AMINA ANJUM

Respondent(s)

O R D E R

These appeals have been preferred by the appellant-Mohammed Ishaque against the order dated 20th July, 2007 passed by the High Court of Judicature Andhra Pradesh at Hyderabad in Civil Revision Petition No. 6389 of 2006. By the impugned order the civil revision preferred by appellant was dismissed and the order of the eviction was affirmed.

On 26th July, 2010 the Court had passed the following order:

"This Court by its Order dated 3.1.2008 stayed dispossession of the petitioner Mohammed Ishaque from the suit premises. It is brought to our notice that during the pendency of the proceedings in the High Court the petitioner Mohammed Ishaque gave an undertaking that he shall continue to deposit the rent regularly every month and the High Court granted stay on the condition of his depositing paying monthly rents regularly to the respondent landlady. The material produced before us in the application, prima facie, disclose that the rents are not being regularly paid by the petitioner as undertaking by him in the High Court. At any rate, it is not possible for us to go into that question. The respondent landlady Amina Anjum shall be at liberty to proceed with the execution of the decree and satisfy the Execution Court that the

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petitioner Mohammed Ishaque failed to comply with the undertaking given by him in the High Court. We make it clear that in case if the Execution Court comes to the conclusion that

the petitioner failed to comply with the undertaking given by him, appropriate orders directing his eviction shall be passed.

The I.As. are accordingly disposed of."

It was informed by learned counsel for the respondent that in view of the earlier order the trial court had passed order of eviction against the respondent and he has already been evicted. This was brought to the notice of the appellant by filing I.A. Nos. 3-4 of 2013. This Court passed the following order dated 22nd August, 2013:

"In these applications, a prayer is made for stay of the order, dated 7th June, 2013, in C.R.P. No. 1855 of 2011 and to grant stay of execution proceedings initiated by the respondent on the file of the Court of VII Junior Civil Judge, City Civil Court, Hyderabad vide E.P. No. 171 of 2010 in O.S. No. 3787 of 2002.

Learned counsel for the applicant-appellant submits that the rent has been paid regularly each month in accordance with the directions issued by this Court while staying the dispossession. On the other hand, learned counsel for the respondent-landlady has pointed out that earlier in Civil Revision Petition No. 1855 of 2011, filed by the landlady, the High Court had clearly held that the applicant - appellant had not been paying the rent regularly. Therefore, the applicant did not comply with the undertaking given by him. Upon recording such finding of fact, the High Court has directed the Executing Court to put the respondent-landlady in possession of the premises forthwith in accordance with law.

We are of the considered opinion that in the face of the judicial finding, which has not been challenged by the applicant-appellant, no relief could have been

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granted to him in the execution proceedings. Faced with the situation, learned counsel for the applicant seeks one week's adjournment to challenge the order, dated 7th June, 2013, passed in Civil Revision Petition.

In the interests of justice, the prayer made by the learned counsel for the applicant-appellant is allowed. There shall be stay of execution proceedings before the trial Court for seven days. We make it clear that in the event the order dated 7th June, 2013, passed in Civil Revision Petition No. 1855 of 2011, is not challenged within the aforesaid seven days. I.A. Nos. 3-4 in Civil Appeal Nos. 3469-3470 of 2010 shall stand dismissed."

The appellant- Mohammed Ishaque challenged the eviction order dated 7th June, 2013 passed by the High Court of Andhra Pradesh at Hyderabad in C.R.P. No. 1855 of 2011 before this Court by filing SLP(c) No. 26978 of 2013 and the same was dismissed by

this Court by the following order dated 29th August, 2013:

"Taken on board.
The special leave petition is dismissed."

In view of the fact that the Court's Order has reached finality and that the appellant has already been evicted pursuant to Court's order, we hold that the present appeals have become infructuous. Civil appeals are, accordingly, dismissed as infructuous.

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

.....J.
(S.A. BOBDE)

NEW DELHI;
JULY 15, 2014