

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7162/2009

(From the judgement and order dated 07/01/2009 in CRP No.1339/2005
of The HIGH COURT OF MADRAS)

KANHIRANDI ABDUL AZEEZ

Petitioner(s)

VERSUS

K.M.ABDUL GAFOOR

Respondent(s)

(With prayer for interim relief)

Date: 06/04/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE B. SUDERSHAN REDDY
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. E.M.S. Anam,Adv.

For Respondent(s) Mr. K.V. Viswanathan,Adv.
Mr. B. Raghunath,Adv.
Mr. Vijay Kumar,Adv.UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the parties.

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

The special leave petition is, accordingly, dismissed.

The petitioner is, however, granted time till 31st
March, 2010, to vacate the premises in question upon filing
usual undertaking in this Court within four weeks from
today.

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S.L.P. (C) No.7162 of 2009:

It is directed that in case the petitioner fails 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 petitioner has 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 petitioner. 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 petitioner, is found in possession, he shall also be dispossessed from the premises in question.

[Alka Dudeja]
Court Master

[Savita Sainani]
Court Master