

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

RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NO. 155 OF 2006 IN SLP(C) 6441/2005

SNEHLATA WALIA

Petitioner(s)

VERSUS

SH. SURINDER KUMAR BATRA & ORS.

Respondent(s)

Date: 08/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr. Narender Yadav, Adv.

Mr. Mushtaq Ahmad, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

It appears that one Rajinder Kumar Batra, partner of M/s Batra Medical hall filed an undertaking dated 2nd August, 2005 undertaking therein that the said deponent along with his brother Surinder Kumar (petitioner No. 3 in SLP) and M/s Batra Medical Hall (petitioner No. 1 in SLP) would vacate premises in question by 31st December, 2005. It has been stated that possession of the premises in question has been made over to Shri Ravi Dutt, son of Shri Som Nath, Attorney of Rikhi Ram, who was husband of the deceased landlady Paramjit Kaur.

In our view, this amounts to flagrant violation of undertaking given before this

Court which cannot be tolerated by this Court. The tenants are trying to play hide

and seek with the Court. Prima facie, we are of the view that the tenants have

committed contempt of order dated 30.3. 2005 passed by this Court by flagrant

violation of the undertaking given before this Court.

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Issue notice to all the respondents of this contempt petition to show

cause as to why proceeding for contempt be not initiated against them. Dasti

service, in addition, is permitted.

Put up the matter on 22nd September, 2006 on which date all the four contemnors shall remain present in Court in person.

Keeping in view, the flagrant violation of the order of this Court and

desperate attitude of the tenants, we direct the executing Court to see that vacant

possession of the premises in question is given to the landlady-Snehlata Walia, Lr.

of deceased landlady Paramjit Kaur within one week from today and if for the

same any armed force is necessary the same be requisitioned from the concerned

Superintendent of Police which shall be deputed with 24 hours the requisition is

received from the concerned Court. All concerned will see that this order is carried

out in letter and spirit. After delivery of possession is effected, the executing Court shall submit the report by FAX as well.

Let a copy of this order be sent to the executing Court by FAX as well today itself.

[Charanjeet Kaur]
Court Master

[Om Prakash]
Court Master