

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7689/2009

(From the judgement and order dated 17/12/2008 in SBCSA No.205/2008 of The HIGH COURT OF RAJASTHAN AT JODHPUR)

DALI CHAND

Petitioner(s)

VERSUS

RUKMANI BAI

Respondent(s)

(With appln(s) for exemption from filing O.T., prayer for interim relief and office report)

Date: 13/04/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. H.D. Thanvi,Adv.  
Mr. Sarad Kumar Singhania,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel for the petitioner.

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

The special leave petition is, accordingly, dismissed.

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S.L.P. (C) No.7689 of 2009:

The petitioner is, however, granted time till 31st  
October, 2009, to vacate the premises in question upon filing  
usual undertaking in this Court within four weeks from  
today.

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.

Needless to say that if the respondent feels aggrieved by this part of the order, it shall be open to her to seek its recall.

[ Alka Dudeja ]  
Court Master

[ Savita Sainani ]  
Court Master