

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). 4673 OF 2004

BIDYUT KUMAR GHOSH & ORS.

Appellant (s)

VERSUS

SIDDHESWAR SOM(SOME)

Respondent(s)

(With appln(s) for modification of Court's Order)

Date: 27/07/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s)

Mr. Bijan Kumar Ghosh,Adv.

For Respondent(s)

Mr. Deba Prasad Mukherjee,Adv.

UPON hearing counsel the Court made the following  
O R D E R

The Appeal is dismissed. No costs.

If the appellants are still in possession of the premises in question, six months' time from today is granted to vacate the premises in question subject to their filing usual undertaking before this Court within six weeks from today.

( Rajesh Dham )  
Court Master

( Indu Satija )  
Court Master

(signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 4673 OF 2004

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Appellant (s)

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SIDDHESWAR SOM(SOME)

Respondent(s)

O R D E R

Heard the learned counsel for the parties.

This Appeal, by special leave, has been filed against the impugned judgment of the High Court of Calcutta dated 18.12.2002.

In this case, the respondent is the landlord of the premises in question and the appellants are the tenants.

The learned counsel appearing for the respondent has informed that the landlord has already taken over possession of the premises in question. This fact is, however, denied by the learned counsel for the appellants.

However, we are of the opinion that, even on merits, it is not a fit case to interfere under Article 136 of the Constitution. The Appeal is, accordingly, dismissed. No costs. If the appellants are still in possession of the premises in question, six months' time from today is granted to vacate the premises in question subject to their filing usual undertaking before this Court within six weeks from today.

.....J.  
(MARKANDEY KATJU)

.....J.  
(T.S. THAKUR)

NEW DELHI  
JULY 27, 2010.