

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO.6943 OF 2000

Sadashiva Prabhu (Dead) by proposed Lrs. ...Appellant(s)

Versus

**Srinivasa Kamath (Dead) by Proposed Lrs.
and Ors. ...Respondent(s)**

O R D E R

Heard learned counsel for the parties.

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

The civil appeal is, accordingly, dismissed.

The appellants are, however, granted time till 30th September, 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 appellants fail 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 appellants have 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 appellants. The Executing Court will see that delivery of possession is effected within a period of fifteen days from the date of filing of the

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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 appellants, is found in possession, he shall also be dispossessed from the premises in question.

[B.N. AGRAWAL]

[G.S. SINGHVI]

New Delhi,
December 10, 2008.