

ITEM NO.13

COURT NO.2

SECTION XV

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10434/2006

(From the judgement and order dated 04/04/2006 in SBCWP No. 5098/2005 of The HIGH COURT OF RAJASTHAN AT JODHPUR)

LALITA

Petitioner(s)

VERSUS

DISTRICT JUDGE & ORS.

Respondent(s)

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

Date: 30/06/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

(VACATION BENCH)

For Petitioner(s)

Mr.S.Madhusudhan Babu, Adv.

Mr. Atishi Dipankar, Adv.

For Respondent(s)

Mr. B.D. Sharma, Adv.

Mr.Narottam Vyas, Adv.

UPON hearing counsel the Court made the following

O R D E R

We have heard the arguments advanced by the learned counsel for the petitioner and the

respondents. We have also perused the impugned order. There is absolutely no merit in this Special

Leave Petition and no case is made out for any interference with the order passed by the High Court.

The Special Leave Petition is accordingly dismissed.

Even before the High Court, the petitioner prayed only that some time be granted to the

petitioner so that she will hand over the vacant possession of the shop to the landlord by that time.

Learned counsel for the petitioner sought only three months' time before the High Court which was

opposed by the counsel for the respondents. Looking into the peculiar facts and circumstances of the

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case, the court granted one month's time to the petitioner to vacate the premises and hand over

peaceful possession of the shop to the decree-holder-respondent within one month from that date. It is

stated in the affidavit of urgency that the High Court has granted extension of time to the petitioner

till 01.06.2006 and thereafter further extension of time of eviction of the premises on the basis of the

undertaking filed by the petitioner to hand over possession on 04.07.2006 was granted. In our opinion,

the petitioner is not entitled for any extension of time for vacating the premises keeping in view the

facts and circumstances of this case. However, taking a lenient view, we grant one month's time from

today to the petitioner to hand over peaceful vacant possession of the premises to the respondent by

31.07.2006.

(Satish K. Yadav)

Court Master

(Phoolan Wati Arora)

Court Master