

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).10117/2006

(From the judgement and order dated 28/02/2006 in CRP No.869/2004
of The HIGH COURT OF MADRAS)

A.VIJAYA

Petitioner(s)

VERSUS

KALA MANIVANNAN & ANR

Respondent(s)

(With prayer for interim relief)

Date: 10/07/2006 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. P.R. Kovilan,Adv.

Mr. T. Harish Kumar,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel appearing on behalf of the petitioner.

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

The special leave petition is, accordingly, dismissed. The

petitioner is,

however, granted three months' time to carry out the directions contained in paragraph 5 of order dated 21st March, 2004, passed by the Appellate

Court. It is made clear

that in case the aforesaid direction of the Appellate Court is complied with within the aforesaid time and future rental is also paid, as directed by

the

....2/-

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Appellate Court, the petitioner shall not be evicted from the premises in

question during the pendency of the appeal and so long the amount is not

paid, during this period also, he shall not be evicted. After the aforesaid

amount is paid, the appeal shall be heard and disposed of on merits in

accordance with law after giving opportunity of hearing to the parties

within a period of six months' from today. However, if the amount is not

paid, the Appellate Court shall after striking out defence of the petitioner

against ejection, shall hear the appeal on merits and consider evidence

adduced on behalf of the plaintiff alone and shall not take into consideration

either evidence adduced on behalf of the tenant or statement in cross

examination of plaintiff's witnesses. It is made clear that in case the amount

is deposited, the landlord shall be permitted to withdraw the same

unconditionally. The Appellate Court shall frustrate all delaying tactics, if any adopted by the tenant. In case the appeal is not disposed of within the time aforesaid because of any dilatory tactics adopted by the tenant, the Appellate Court shall record a finding to that effect and from the date of recording of such finding, this interim order shall stand vacated and the decree-holder shall be entitled to execute the decree forthwith for which the executing court shall see that possession is delivered to the decree-holder within a period of one month from the date finding

....3/-

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aforesaid is recorded even by deputation of armed force. We may, however, observe that in case the respondents feel aggrieved by this order, it would be open to them to move this Court for its recall.

[Alka Dudeja]

Court Master

[Om Prakash]

Court Master