

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11051/2007

(From the judgement and order dated 14/05/2007 in SA No.1216/2006 of The HIGH COURT OF M.P. AT JABALPUR)

MUNALAL JAIN & ANR. Petitioner(s)

VERSUS

DEVICHAND JAIN Respondent(s)

(With prayer for interim relief and office report)

Date: 05/09/2008 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. Ravindra Shrivastava, Sr. Adv.  
Mr. Akshat Shrivastav, Adv.  
Mr. P.P. Singh, Adv.  
Mr. Kunal Verma, Adv.  
Mr. Rajul Shrivastav, Adv.  
Ms. Supriya Jain, Adv.  
Mr. K. Krishna Kumar, Adv.  
Mr. Anup Jain, Adv.

For Respondent(s) Mr. Rohit Arya, Sr. Adv.  
Mr. Nitin Gaur, Adv.  
Mr. Ashok Mathur, Adv.

UPON hearing counsel the Court made the following  
ORDER

Though the case was placed under the heading "Incomplete After Notice Matters" but in the Supplementary List, the same has been shown as "Complete Matter". Learned counsel appearing on behalf of the parties stated that the arguments should be heard and the matter should be decided.

....2/-

-2-

Heard learned counsel for the parties.

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

The special leave petition is, accordingly, dismissed.

The petitioners are, however, granted time till 30th June, 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 petitioners 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 petitioners 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 petitioners. 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 petitioners, is found in possession, he shall also be dispossessed from the premises in question.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Om Prakash ]  
Assistant Registrar