

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

I.A. No.3 In
Petition(s) for Special Leave to Appeal (Civil) No(s).19867/2010

(From the judgement and order dated 08/03/2010 in FA No.
104/2008 of The HIGH COURT OF CHATTISGARH AT BILASPUR)

VIMLA MEHTA & ORS.

Petitioner(s)

VERSUS

SHANTI MEHTA
(With appln(s) for Correction/Modification
dated 2.8.2010 and office report)

Respondent(s)
of Court's Order

Date: 14/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Ms. Mridula Ray Bharadwaj,Adv.

For Respondent(s) Mr. Aniruddha P. Mayee,Adv.
Mr.Charudatta Mahendra Kar,Adv.

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

This is an application filed by the respondent praying
for correction in the order dated 2.8.2010.

We have gone through the averments made in the application.
For the reasons stated in the application, we allow the
application and direct that the word 'respondent' as appearing in
the order shall be substituted with the word 'petitioners' and
necessary changes would be made as indicated in the order dated
2.8.2010.

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In view of this order passed, the order dated 2.8.2010 would
now read as follows:

"Heard the learned counsel appearing for the parties
on this Special Leave Petition.

By the impugned judgment and order, the High Court
has upheld the decree of eviction and damages passed by
the courts below. The decree is for eviction of the
petitioners from the suit premises and also for payment
of damages at the rate of Rs.1000/- p.m from the date of
the institution of the suit till delivery of possession
of the suit premises.

Counsel appearing for the petitioners, after some
arguments has agreed on behalf of the petitioners to
vacate the suit premises within a period of three months
from today. Therefore, his statement is taken on record.

We, however, direct the petitioners to place on record the usual undertaking to the aforesaid fact within two weeks from today.

In view of the aforesaid statement given and in the light of the fact that the petitioners are vacating the suit property immediately, we scale down the rate of damages payable by the petitioners to the respondent to Rs.500/-p.m instead of Rs.1000/- p.m. In terms of this order, the petitioners shall be liable to pay Rs.500/- p.m as damages from the date of institution of the suit till the delivery of possession of the suit property.

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In terms of the aforesaid modification only in respect of amount of damages payable the special leave petition is dismissed."

The application stands disposed of

(KUSUM SYAL)
SR.PA

(RENU DIWAN)
COURT MASTER