

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

Date: 02/08/2010 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.
Mr. Sachin Sharma, Adv.
Ms. Rucha A. Mayee, Adv.

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

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 respondent 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.

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Counsel appearing for the respondent, after some arguments has agreed on behalf of the respondent to vacate the suit premises within a period of three months from today. Therefore, his statement is taken on record. We, however, direct the respondent 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 Respondent is vacating the suit property immediately, we scale down the rate of damages payable by the respondent to the appellant to Rs.500/-p.m instead of Rs.1000/-p.m. In terms of this order, the respondent 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.

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

(KUSUM SYAL)
SR.PA

(RENU DIWAN)
COURT MASTER