

SUPR EME COUR T OF I ND I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14779/2009

(From the judgement and order dated 27/02/2009 in CRP No.5374/2007 of
The HIGH COURT OF A.P. AT HYDERABAD)

MAGULURI SAMBASIVA RAO

Petitioner(s)

VERSUS

AVALA VENKATA SRINIVASA RAO

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned judgment,
permission to place addl. documents on record, prayer
for interim relief and office report)

Date: 16/07/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. A. Subba Rao,Adv.

Mr. Annam D.N. Rao,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Heard learned counsel for the petitioner.

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

The special leave petition is, accordingly,
dismissed.

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The petitioner is, however, granted time till
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30 April, 2010, 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 petitioner fails
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
petitioner has 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 petitioner. 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 petitioner, is found in possession, he shall also be dispossessed from the premises in question.

Needless to say that if the respondent feels aggrieved by this part of the order, it shall be open to him to seek its recall.

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

[Savita Sainani]
Court Master