

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. 2/2006 in

Petition(s) for Special Leave to Appeal (Civil) No(s).19187/2005

(From the judgement and order dated 08/04/2005 in AS No.384/2001

of The HIGH COURT OF KERALA AT ERNAKULAM)

K.E.JOHNSON

Petitioner(s)

VERSUS

SHIRLY JOHNSON

Respondent(s)

(For c/delay in filing undertaking)

Date: 18/08/2006 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. M.R. Rajendran Nair, Sr. Adv.

Mr. P. Sureshan, Adv.

Mr. R. Sathish, Adv.

For Respondent(s)

Mr. C.S. Rajan, Sr. Adv.

Mr. Dilip Pillai, Adv.

for M/s. T.T.K. Deepak & Co., Adv.

UPON hearing counsel the Court made the following

O R D E R

The petitioner-tenant has filed an affidavit of undertaking and there is some delay in filing undertaking, which is condoned. Learned counsel appearing on behalf of the tenant stated that key of the premises in question was deposited in the Executing Court after he vacated the same.

Thereupon,

....2/-

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it appears that Court Amin, who went to find out as to whether the house has been vacated or not, reported that certain articles of judgment-debtor were lying there. In our view, the tenant has not fully complied with the undertaking. The executing court is directed to see that vacant possession is given to the landlord within a period of one week of receipt of copy of this order. If necessary, it shall requisition armed force also for making over possession to the landlord. If any article is lying in the premises in question, the same shall be thrown on the road. If anybody else, other than the tenant, is found in the premises in question, he shall also be evicted by the armed force.

Let copy of this order be forwarded to trial court by fax as well

and after carrying out the order, report shall be sent to this Court by fax as well.

I.A. No.2 is, thus, disposed of.

[ Alka Dudeja ]  
Court Master

[ Om Prakash ]  
Court Master