

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)...../2009
(CC 11161/2009)
(From the judgement and order dated 12/12/2008 in CR No.584/2005
of The HIGH COURT OF PATNA)

MOSTT. MANJU DEVI Petitioner(s)

VERSUS

RAM KISHUN PRASAD & ORS. Respondent(s)

(With appln(s) for c/delay in filing SLP)

Date: 13/08/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE HARJIT SINGH BEDI

For Petitioner(s) Mr. Rakesh Uttamchandra Upadhyay, Adv.

For Respondent(s)

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

Heard learned counsel for the petitioner.

Delay condoned.

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

The special leave petition is,
accordingly, dismissed.

The petitioner is, however, granted time
till 31st May, 2010, to vacate the premises in
question upon filing undertaking to this effect
in this Court within four weeks from today.

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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.

It is needless to say that in case the respondents feel aggrieved by this order, it would be open to them to move this court for its recall.

[Alka Dudeja]
Court Master

[Savita Sainani]
Court Master