

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2008
(CC 13878/2008)
(From the judgement and order dated 11/09/2006 in FA No.107/1991
of The HIGH COURT OF CALCUTTA)

BINDESHWAT PRASAD GUPTA

Petitioner(s)

VERSUS

DINENDRA KUMAR MUKHERJEE

Respondent(s)

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

Date: 09/01/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. M.N. Krishnamani, Sr. Adv.
Mr. R.K. Gupta, Adv.
Mr. S.K. Gupta, Adv.
Mr. Arun Yadav, Adv.
Mr. Manoj K. Mishra, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

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.

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S.L.P. (C) No. CC 13878/2008):

The petitioner is, however, granted time till 31st
October, 2009, 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.

[Alka Dudeja]
Court Master

[Savita Sainani]
Court Master