

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).23403/2009

(From the judgement and order dated 03/04/2009 in CRP No. 488/2009 of The HIGH COURT OF MADRAS)

M.RAGHAVAN Petitioner(s)

VERSUS

M.PARTHASARATHY Respondent(s)

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

Date: 29/09/2009 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. R. Nedumaran,Adv.

For Respondent(s)

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

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.

The petitioner is, however, granted time till 30.06.2010 to vacate the premises in question upon filing usual undertaking in this Court within four weeks from this date.

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.

(Satish K.Yadav)  
Court Master

(Savita Sainani)  
Court Master