

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).30741/2008

(From the judgement and order dated 01/07/2008 in CMWP No.26535/2008 of  
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

RADHA KRISHNA GUPTA Petitioner(s)

VERSUS

SURAJ PRASAD GUPTA Respondent(s)

Date: 07/01/2009 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. Devendra Kumar Singh,Adv.  
Mr. Sudhakar Choudhry,Adv.  
Mr. Binay Kumar Jha,Adv.  
Mr. Debasis Misra,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.

The petitioner is, however, granted time till 30th  
April, 2009, to vacate the premises in question upon filing  
undertaking to this effect 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.

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