

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).23134/2008

(From the judgement and order dated 16/07/2008 in WPC No.31928/2004 of The HIGH COURT OF KERALA AT ERNAKULAM)

HABIB & ANR.

Petitioner(s)

VERSUS

V.CHANDRASEKHAR

Respondent(s)

(With prayer for interim relief)

Date: 16/09/2008 This Petition was mentioned today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL
HON'BLE MR. JUSTICE G.S. SINGHVI

For Petitioner(s) Mr. K. Rajeev,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following
ORDER

Taken on Board.

Heard learned counsel for the petitioners.

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

The special leave petition is, accordingly, dismissed.

The petitioners are, however, granted time till 30th
June, 2009, to vacate the premises in question upon filing
usual undertaking in this Court within four weeks from
today.

...2/-

-2-

It is directed that in case the petitioners fail 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 petitioners have 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 petitioners. 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 petitioners, is found in possession, he shall also be dispossessed from the premises in question.

Needless to say that in case the respondent feels aggrieved by this part of the order, it shall be open to him to seek its recall.

[Alka Dudeja]
Court Master

[Om Prakash]
Assistant Registrar