

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).23795/2008

(From the judgement and order dated 05/09/2008 in MJC No.2200/2008
of The HIGH COURT OF PATNA)

M/S ORIENT REFRIGERATION CO.& ANR.

Petitioner(s)

VERSUS

RAMESH KUMAR & ANR.

Respondent(s)

(With prayer for interim relief)

Date: 13/10/2008 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. Kumar Parimal, Adv.
Mr. Aniruddha P. Mayee, Adv.

For Respondent(s) Mr. Rajiv Shankar Dvivedi, Adv.
Mr. Praveen K. Singh, Adv.

UPON hearing counsel the Court made the following
ORDER

Delay condoned.

Heard learned counsel for the petitioners and the
respondents.

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

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The special leave petition is, accordingly, dismissed.

The petitioners are, however, granted time till 31st July, 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 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.

[T.I. Rajput]
A.R.-cum-P.S.

[Savita Sainani]
Court Master