

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).24851/2009

(From the judgement and order dated 13/08/2009 in CR No.204/2007 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

PHOOL BADAN VERMA & ANR.

Petitioner(s)

VERSUS

RAM BADHAE

Respondent(s)

(With appln(s) for deletion of parties in the array of parties and prayer for interim relief and office report)

Date: 31/01/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. Abhindra Maheshwari, Adv.

For Respondent(s) Mr. R.C. Shukla, Adv.

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

The application for deleting the name of respondent no.2, who is now dead, from the array of parties is allowed in terms of the prayer made.

This petition is directed against order dated 13.8.2009 of the learned Single Judge of the Allahabad High Court, whereby the revision filed by the petitioners against the order of the Small Causes Court was dismissed and their eviction from the suit property was confirmed.

We have heard Shri Abhindra Maheshwari, learned counsel for the petitioners for some time and are convinced that in view of the observations contained in paragraph 21 of the impugned order showing that the suit filed by the respondents was adjourned on 167 dates and the matter was not finalised despite the directions given by the High Court, the special leave petition does not deserve to be entertained.

With the above observation, the special leave petition is dismissed.

The petitioners are allowed three months' time to vacate the suit premises. This would necessarily mean that they shall hand over vacant possession of the suit premises to the surviving respondents latest by 30.04.2013.

It is also made clear that during the intervening period the petitioners shall not induct any person in the suit premises in any capacity whatsoever else they will make themselves liable to be punished under the Contempt of Courts Act, 1971.

The petitioners shall continue to pay the amount of damages to the respondents in terms of the direction given by the High Court till vacant possession of the suit premises is handed over to the respondents.

| (Parveen Kr.Chawla)
| Court Master
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| | (Phoolan Wati Arora)
| | Court Master
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