

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).24703/2008

(From the judgement and order dated 23/07/2008 in CR No.633/1983 in RA No.90402/2007 of The HIGH COURT OF JUDICATURE AT ALLAHABAD)

MD.ASLAM AKHTAR

Petitioner(s)

VERSUS

KANTI DEVI (D) TR.LRS.

Respondent(s)

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

Date: 20/10/2008 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. H.C. Kharbanda,Adv.
Ms. Jyoti Saxena,Adv.
Mr. Vipin K. Saxena,Adv.
Mr. M.P. Shorawala,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.
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The petitioner is, however, granted time till 31st July, 2009, to vacate the premises in question upon filing usual undertaking in this Court within six weeks from today.

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 respondents feel 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