

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).30243/2008

(From the judgement and order dated 17/09/2008 in CMWP No.42432/2000 of  
The HIGH COURT OF JUDICATURE AT ALLAHABAD)

VRINDAVAN BIHARI

Petitioner(s)

VERSUS

SURENDRA PRAKASH GOYAL

Respondent(s)

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

Date: 05/01/2009 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. S.R. Singh, Sr. Adv.

Ms. Sunita Pandit, Adv.

Mr. Nishant Yadav, Adv.

Mr. D.N. Dubey, Adv.

Mr. J.P. Nayar, Adv.

Mr. Abhishth Kumar, 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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S.L.P. (C) No.30243 of 2008

The petitioner is, 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 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