

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)...../2009  
CC 18040/2009

(From the judgement and order dated 26/05/2009 in SBCFA No. 304/2009 of The HIGH COURT OF RAJASTHAN AT JODHPUR)

BHANWAR KANWAR & ANR.

Petitioner(s)

VERSUS

UGAM KANWAR

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 22/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM  
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Ms. Aishwarya Bhati,Adv.  
Mr. Rashid Khan,Adv.

For Respondent(s) Mr. Rameshwar Prasad Goyal,Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay condoned.

Even at the admission stage, the respondent has entered caveat. Hence, we heard learned counsel for the petitioners as well as respondent.

It is not in dispute that, as per the decree of the Trial Court, the petitioners have to deliver possession to the respondent-herein. Challenging the decree of the Trial Court, the petitioners have filed Regular First Appeal No.304 of 2009 before the High Court and the same is pending before the High Court. When the petitioners sought stay of the Trial Court's decree, the High Court, by the impugned order, dismissed the stay application.

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We have gone through the decree of the Trial Court.

The decree reads as under:

(i)The plaintiff will receive the possession of disputed house and vacant land (exhibit 3-A and exhibit 4-A) from the defendants and for this purpose time of one month is granted. The defendants are to hand over the possession of the disputed house and land within one month.

(ii)The plaintiff is entitled to receive the claim of Rs.90,000/- and further a claim of Rs.2500/- per month from the defendants till the possession is not handed over to plaintiff.

(iii)The plaintiff will receive the cost of the suit as per rule.

In view of the fact that Regular First Appeal is pending before the High Court and the issues raised therein have to be considered, we feel that end of justice would be subserved by staying clause (i) of the decree. The petitioners are granted eight weeks' time from today to comply with clauses (ii) and (iii) of the decree of the Trial Court.

The special leave petition is disposed of

accordingly.

[Madhu Bala]  
Sr.PA

[Savita Sainani]  
Court Master