

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil)...../2008  
(CC 15730/2008)  
(From the judgement and order dated 30/06/2008 in CRA No.107/2008  
of The HIGH COURT OF GUJARAT AT AHMEDABAD)

AISABEN SALAMANBHAI MALAVIYA

Petitioner(s)

VERSUS

GANCHI MUSABHAI

JAMALBHAI MEHTAR

Respondent(s)

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

Date: 17/12/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL  
HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE RAJENDRA MAL LODHA

For Petitioner(s) Ms. Sumita Hazarika,Adv.  
Mr. Pyoti,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel for the petitioner.

Delay condoned.

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 30th  
September, 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