

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).94/2009

(From the judgement and order dated 01/09/2008 in SA No.199/2007
of The HIGH COURT OF PATNA)

MOST.BACHHI DEVI Petitioner(s)

VERSUS

KAMLA DEVI Respondent(s)

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

Date: 16/01/2009 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. Mohit Kumar Shah,Adv.
Mr. Navin Prakash,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.

The petitioner is, however, granted time till 31st October,
2009, to vacate the premises in question upon filing usual undertaking in
this Court within four weeks from today.

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S.L.P. (C) No.94/2009:

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 her to seek its recall.

[Alka Dudeja]
Court Master

[Savita Sainani]
Court Master