

ITEM NO.51

COURT NO.8

SECTION IVB

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) No(s).326/2007

(From the judgement and order dated 25/09/2006 in CR No. 5495/2004 of The
HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

SONA DEVI & ORS.

Petitioner(s)

VERSUS

LATA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 02/02/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Ms. Anju, Adv.

Mr. Manjit Singh, Adv.

Mr. Harikesh Singh, Adv.

Mr. Kamal Mohan Gupta, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Heard Ms. Anju, learned counsel for the petitioners and perused the order impugned in this special leave petition.

The petitioners herein are the tenants. The respondents filed a suit for possession, which has been decreed by the Trial Court. The appeal filed before the Designated Judge was rejected and the special leave petition to this Court was also dismissed. Thereupon, the respondents filed the petition, which was opposed by the petitioners and the objection was overruled and the petitioners thereafter filed the revision, which was also dismissed by the High Court.

In this context, it is beneficial to reproduce hereunder one paragraph

2

of the order passed by the High Court at page 3.

"It has been further held by the Executing Court that even a special leave petition had been filed in the Hon'ble Supreme Court by the objectors. During the pendency of the special leave petition, one of the LRs. of Baru had appeared and made a statement that in case the special leave petition is decided against them, then they would hand over the possession of the land of the decree holder. This special leave petition has since been dismissed on 8.12.2003 and

hence the possession would have to be handed over to the
decree holder and the objectors/judgment debtors cannot
back from the statement recorded before the Executing Court
on 1.11.2003."

It is thus seen from the above paragraph that during the pendency of

the special leave petition, one of the LRs. of Baru had appeared and
made

statement in this Court that in case the special leave petition is decided against

them then they would hand over the possession of the land in question to the

decree holder. The High Court, after referring to the statement recorded by the

Supreme Court, dismissed the objection filed in the execution proceedings and

also dismissed the civil revision petition. Further, at the time of pas
sing this

order, learned counsel for the petitioners herein seeks some time to vacate the

property in question and hand over peaceful possession to the respondents.

We, therefore, by this order, grant three months' time to the petitioners to hand

over peaceful vacant possession of the property in question. The petitio
ners

shall also file affidavit of undertaking within two weeks from today in this Court.

If the petitioners fail to vacate the premises in question in spite of
the

undertaking given, the respondents shall be at liberty to approach the P
olice

Authorities to obtain possession of the property in question. The concer
ned

police shall provide adequate police protection to the respondents to obta
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possession of the property.

3

The Special Leave Petition stands disposed of accordingly.

(A.D. Sharma)

Court Master

(Phoolan Wati Arora)

Court Master