
(2008) 08 SC CK 0020
In the Supreme Court Of India
Case No : SLA (C) No. 21361 of 2008

Sakharam Ganesh Aaravandekar and Another	APPELLANT
Vs	
Mahadeo Vinayak Mathkar and Others	RESPONDENT

Date of Decision : 28-08-2008

Acts Referred:

Citation : (2008) 10 SCC 186

Hon'ble Judges : H.S. Bedi, J;G.S. Singhvi, J;B.N. Agrawal, J

Bench : Full Bench

Advocate : Sudhanshu, S. Choudhari and Naresh Kumar, for the Appellant;

Final Decision : Disposed Of

Judgement

1. Taken on Board. Heard Learned Counsel for the Petitioners. We do not find any ground to interfere with the impugned order. The SLP is, accordingly, dismissed.
2. The Petitioners are, however, granted time till 30th November, 2008, to vacate the premises in question upon filing undertaking to this effect in this Court within four weeks from today.
3. It is needless to say that in case the Respondents feel aggrieved by this order, it would be open to them to move this Court for its recall.
4. It is directed that in case the Petitioners fail 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 Petitioners have not vacated the premises in question within the time granted by this Court.
5. In either eventuality, the Executing Court is not required to issue any notice to the Petitioners. 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.

6. 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 therefore.

7. It is also directed that in case anybody else, other than the Petitioners, is found in possession, he shall also be dispossessed from the premises in question.

Court Masters.