

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

I.A. No.1/2005 in S.L.P.(C) No. 11483 OF 2004

M/S ASHA GOLD COVERING WORKS

Petitioner(s)

VERSUS

M.MOHD. MOHIDEEN & ORS.

Respondent(s)

(For Urgent Stay)

Date: 17/02/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE A.K.MATHUR

For Appellant(s)

Mr. S.Aravindh, Adv.

Mr. Senthil Jagadeesan, Adv.

Smt. V.Pushpa, Adv.

Mr. V.Krishna Murthy, Adv.

For Respondent(s)

Mr. P.S. Mishra, Sr. Adv.

Mr. K.K. Mani, Adv.

Mr. R.Thiagarajan, Adv.

Mr. K.B. Sandeep, Adv.

UPON hearing the Court made the following

O R D E R

While dismissing the Special Leave Petition on 5th November, 2004, this Court granted time till 31st May, 2005 for vacating the premises subject to the petitioners filing usual undertaking within four weeks from the date of the order i.e. 5th November, 2004.

According to the petitioner, the amount sent by him by Money Order and later on by Bank Pay Order was not accepted by the respondents-landlords. On an application filed by the respondents-landlords to the effect that there was a default in making the payment within time and that there were other irregularities in remittance of the rent, the Executing Court by its order dated 15.02.2005 has ordered delivery of possession to the respondents-landlords on or before 01.03.2005. Petitioner has prayed that the order passed by the Executing Court be suspended till 31.5.2005 i.e. the time granted by this Court to vacate the premises.

To end the controversy between the parties, we direct the petitioner to deposit all arrears of rent and the future rent till 31.5.2005 in this Court within three weeks from today. The respondents-landlords would be at liberty to withdraw the amount on the deposit of the rent by the petitioner.

In view of the order passed by us today, the order of

the Executing Court dated 15.2.2005 passed in E.P. No. 294  
of 2004 in R.C.O.P.No.3003 of 1993 is set aside.

Interlocutory Application No.1 of 2005 is allowed in  
the above terms.

(Parveen Kr. Chawla)

Court Master

(Kanwal Singh)

Court Master