

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Contempt Petition (C) No. 211 of 2008

in
SLP (C) No. 17486 of 2007

Anil Kumar Sanghvi

...Petitioner

VERSUS

Kamalabai & Ors.

..Respondent(s)

ORDER

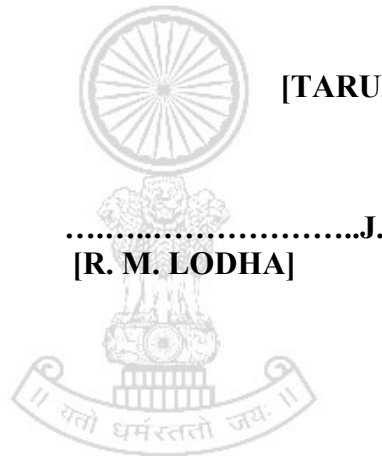
1. This is an application for initiating a contempt proceeding against the respondents for not complying with the order dated 1st of October, 2007 passed in SLP (C) No17486 of 2007 filed at the instance of the landlord/applicant. By the said order, we had dismissed the Special Leave Petition but granted time to the tenants/contemnors to vacate the premises in question by 31st of March, 2008, in which the contemnors were tenants under the landlord/applicant. In the aforesaid order, we also directed the tenants/contemnors to file an undertaking to vacate the premises on conditions i.e. (i) to pay all arrears of rent and (ii) to deliver peaceful and vacant khas possession to the landlord/applicant on the expiry of the period mentioned above.

2. In compliance with the above said direction, an undertaking was filed in this Court by the tenants/contemnors saying that they shall vacate the premises by 31st of March, 2008 and also pay the arrears of rent. However, this order has not been complied with. Although the time to vacate the premises had expired on 31st of March, 2008, but the possession has been delivered to the landlord/applicant only on 14th of July, 2009, that is, after filing the contempt application before us. In our view, the aforesaid facts would clearly show that the conduct of the tenants/contemnors is contemptuous and therefore, strong action should be taken and proceeding for contempt should be initiated against them. But considering the fact that the possession

of the premises in question has already been delivered, though belatedly, we feel it proper in the facts and circumstances of the case, not to initiate the contempt proceeding against the tenants/contemnors but only to direct them to pay all the arrears of rent to the landlord/applicant and in addition to pay cost of Rs.30,000/- to the landlord/applicant for illegally and deliberately delaying in delivering possession of the premises in question in spite of filing an undertaking in this Court. Such payment shall be made within 4 weeks from this date.

3. In default, put up for further orders. In the event, the amount, as directed above, is paid to the landlord/applicant, the application for contempt shall stand disposed of. There will be no order as to costs in the Contempt Application.

New Delhi;
July 31, 2009



.....J.
[TARUN CHATTERJEE]

.....J.
[R. M. LODHA]

JUDGMENT