

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSMISCELLANEOUS APPLICATION Diary No(s). 49260/2023

(Arising out of impugned judgment and order dated 24-11-2023 in SLP(C) No. 25983/2023 passed by the Supreme Court of India)

NEERAJ KUMARPAL SHAH & ANR.

Petitioner(s)/Applicant(s)

VERSUS

MAYURI DILIP VORA & ORS.

Respondent(s)

(IA No. 246142/2023 - EXEMPTION FROM FILING O.T.
IA No. 246141/2023 - EXTENSION OF TIME)

Date : 01-12-2023 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)/Applicant(s)

Mr. Arunabh Chowdhury, Sr. Adv.
Mr. Masoom Shah, Adv.
Ms. Aastha Mehta, Adv.
Ms. Yasha Goyal, Adv.
Ms. Prerana Mohapatra, Adv.
Ms. Deepanwita Priyanka, AOR

For Respondent(s)

Mr. Pratap Venugopal, Adv.

UPON hearing the counsel the Court made the following

O R D E R

Heard Mr. Arunabh Chowdhury, learned senior counsel appearing for the applicant(s). Also heard Mr. Pratap Venugopal, learned counsel appearing for the respondents-landlord.

The Special Leave Petition (Civil) No. 25983 of 2023 was listed on 24.11.2023 but the same was dismissed by recording the following order:

"Heard Mr. Siddharth Bhatanagar, learned Senior Counsel for the petitioners.

2. Having perused the impugned order dated 10.11.2023 in the Civil Writ Petition No.8286/2022 and the multiple defaults of the Licensees mentioned in the said order and also bearing in mind the conduct of the petitioners who continue to illegally occupy the premises in question despite assurance to make good the arrear payment and to vacate the premises, we are not inclined to entertain this Special Leave Petition and the same is dismissed.

3. However, the learned Senior Counsel for the petitioner submits that the Court Receiver was directed to take possession of the premises with the assistance of the Police and today is the date for taking over possession. But since the brother of the petitioner No.2 has just passed away, the petitioners seek some indulgence. Both the petitioners give assurance to this Court that the two licensees will immediately hand over the peaceful vacant possession of the premises within 30th November 2023.

4. The undertaking as above for peacefully vacating the premises be filed in the Court today itself by both the petitioners. Subject to this assurance, no coercive steps until 30th November 2023.

5. Pending application(s), if any, stand closed."

The M.A. Diary No. 49260 of 2023 is now filed seeking further time to handover peaceful vacant possession of the premises which according to the last order was to be vacated by today. The learned senior counsel for the applicants point out that applicants' close relative has died and very limited time may be granted to complete the rituals.

Learned counsel for the respondents submits that applicants apparently have resided in the concerned premises without paying

any rent to the landlord for last nearly four years.

Having regard to the above, time for handing over peaceful vacant possession is extended to 08.12.2023. An undertaking by both the applicants to this effect be filed in the Registry today itself.

It is however made clear that no further indulgence would be shown to the applicants.

I.A. No. 246141 of 2023 and Miscellaneous Application stand disposed of.

Pending application(s), if any, shall stand disposed of.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR