

Hari Kishan Gupta

Vs

Mool Chand and Others

Lala Datta Ram

Vs

Hari Kishan Gupta and Another

Civil Appeal No. 3230 of 1981 and Civil Miscellaneous Petition No. 159 54 of 1981

(CJI Y.V. Chandrachud, V.B. Eradi JJ)

27.11.1981

ORDER

1. Special leave granted.
2. Datta Ram, the tenant was to hand over possession of portion of the premises to the landlord, under the Orders passed by this Court. One Mool Chand, claiming to be Datta Ram's partner, has file, a suit (O. S. No. 152 of 1981) contending that he cannot be evicted in execution of the Order passed by this Court. His contention, now, appears to be that he is in possession of the premises as a tenant. The trial court had granted an interim induction in his favour on May 15, 1981 and has confirmed it on May 19, 1981.
3. This appeal is directed against the aforesaid order of injunction. The landlord has also filed a petition under the Contempt of Courts Act, praying that appropriate action be taken against the original tenant for not complying with this Court's Order asking him to hand over possession of the premises. Repeated attempts have been made by this Court to serve notice of these proceedings on Mool Chand. It is obvious that he is evading service.
4. In these circumstances, we are left with no alternative except to vacate the order of interim injunction passed by the learned Trial Judge and to direct that the Order passed by this Court for handing over possession of the premises to the landlord shall be executed forthwith. The possession of the premises may be taken, if necessary, with the aid of police authorities.
5. The appeal and the contempt petition will stand disposed of in terms of this Order. There will be no other as to costs.

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