

SUPREME COURT OF INDIA

Santosh Kumar

Vs

Sarla Devi

Special leave petition) no.8146 of 2007

(Tarun Chatterjee and H.S.Bedi)

06/02/2008

JUDGMENT

ORDER

This special leave petition is directed against the judgment and final order dated 7th of December, 2006 passed by the High Court of Judicature at Allahabad in Civil Misc. Writ Petition No.65813 of 2006. On 17th of May, 2007, a limited notice was issued. While issuing a limited notice on the special leave petition, the following order was passed:-

"Learned senior counsel for the petitioners submits that although the respondent-landlord had offered two shops to the petitioner-tenants, but that offer was refused by them. He submits that the petitioners are now agreeable to accept such offer and is ready to vacate the suit premises subject thereto. Accordingly, we order issuance notice limited to the question that whether the offer of the respondent-landlord, which was not accepted by the petitioners in the High Court and is now

acceptable to them, is still open for acceptance. There will be ad interim stay of dispossession till 15th July, 2007."

A reading of this order would show that in the High Court the petitioners who are the tenants was offered by the landlord-respondent two shops, but that offer was refused by them. But in this Court, the petitioners are agreed to accept such offer and is ready to vacate the premises in question, subject to receiving possession in respect of two shops which were offered to the petitioners before the High Court. The learned counsel appearing on behalf of the respondent had submitted before us that they shall hand over two shop rooms, namely, Shop No. 6 & 7 Balaji Market, Main Road, Tundla (U.P.) to the petitioners within a period of two weeks from this date. If possession of the aforesaid two shop rooms is delivered, the appellant shall deliver possession of the tenanted suit premises to the respondent within a month from the date of taking over possession of two shop rooms from the respondent by them. In the event, possession of two shop rooms are not delivered or taken possession of, it will be open to the respondent to execute the decree in accordance with law and this special leave petition shall stand dismissed. With the above direction, the special leave petition is dismissed. No order as to costs.