

SUPREME COURT OF INDIA

Satpal Singh

Vs.

Chunni Lal (D) through LRs.

Special Leave Petition No. 15587 OF 2008

(Tarun Chatterjee and H.L.Dattu)

13/02/2009

ORDER

1. On 14th of July, 2008, this Court entertained the special leave petition and passed the following order:

“Issue notice on the special leave petition as also on the prayer for interim relief.”

2. On notice being served, the respondents are now represented by their learned counsel. The learned counsel for the respondents has drawn our attention to the undertaking filed by the petitioner in the High Court showing that he shall vacate the premises in question, a copy of the said undertaking has also been brought on record. Since the petitioner has filed the undertaking before the High Court and thereafter filed the special leave petition, we do not think, in the exercise of our discretionary power, to grant any interim order to the petitioner. Mr.Sushil Kumar Jain, learned counsel appearing for the petitioner however, has drawn our attention to the two decisions of this Court in the cases of *P.R.Deshpande vs. Maruti Balaram Haibatti*¹ and *A.V.G.P.Chettiar & Sons and Ors. vs. T.Palanisamy Gounder*². Relying on the aforesaid two decisions, Mr.Jain submitted that in spite of the fact that an undertaking has been filed by the petitioner to vacate the premises in question, even then the petitioner is entitled to an interim order of stay of dispossession. We are not inclined to go into this question as grant of stay of dispossession during the pendency of a Special Leave Petition is a discretion of the court. In view of the conduct of the petitioner that the petitioner has suppressed the fact of filing of an undertaking in the Court, we are of the view that no interim order should be granted in this matter. Since we have already issued notice on the Special Leave Petition and also on the prayer for interim stay and the respondent has already entered appearance and filed reply to the petition, let the matter be listed for final disposal on any miscellaneous day in the first week of May, 2009. Rejoinder, if there be any, be filed within three weeks from this date.

¹1998 (6) SCC 507

²2002 (5) SCC 337