

[2011] 6 S.C.R. 757

RAM PRAKASH SHARMA

v.

BABULAL IRLA (D) BY LRS. & OTHERS

I.A. NO.3 OF 2011

IN

CIVIL APPEAL NO. 5310 OF 2010

MAY 12, 2011

[MARKANDEY KATJU AND GYAN SUDHA MISRA, JJ.]

Rent Control and Eviction:

Eviction matters – Time granted to tenant to vacate the tenanted premises – Premises not vacated within the time granted – Held: In such a case, the tenant should be evicted by the police force, if he does not vacate the premises on his own – Tenant can file an application well in advance to seek extension of time to vacate the premises.

CIVIL APPELLATE JURISDICTION : I.A. No. 3 of 2011

In

Civil Appeal No. 5310 of 2010.

From the Judgment & Order dated 5.9.2008 of the High Court of Judicature Jabalpur, Bench at Gwalior in Second Appeal No. 285 of 2005.

Madhurima Bora (for Balaji Srinivasan) for the appellant.

Rishi Maheshwari (for Shally Bhasin Maheshwari) for the Respondents.

The following Order of the Court was delivered

A O R D E R

Taken on Board.

Heard learned counsel for the parties.

B In the facts and circumstances of the case, time to vacate the premises in question is extended till 31st August, 2011 and if the tenants do not vacate on or before the said date, they will be evicted by police force.

C We further make it clear that when this Court allows the petition/appeal of the landlord or dismisses the petition/appeal of the tenant and grant some time to vacate the premises in question and if the tenant does not vacate within the time granted, the tenant shall be evicted by police force. This is a general direction we are passing because we are coming across several cases where the tenants are not vacating the premises in question despite granting time by this Court or despite furnishing an undertaking to this Court with a result that the landlord has to initiate contempt proceedings or any other proceedings. Hence, we give a general direction that when
D
E tenant's petition/appeal is dismissed and he is given time to vacate then on the expiry of that time, he will be evicted by police force if he does not vacate of his own.

F If any extension of time to vacate is desired, that application should be filed well in advance.

The Interlocutory Application is allowed accordingly.

N.J.

Interlocutory Application allowed.