

ITEM NO.6 Court 8 (Video Conferencing)

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 11896/2020

(Arising out of impugned final judgment and order dated 13-03-2020
in RFA No. 409/2018 passed by the High Court of Delhi at New Delhi)

PREM LAL THROUGH LEGAL HEIRS & ORS.

Petitioner(s)

VERSUS

DEEPAK BADHWAR

Respondent(s)

(FOR ADMISSION and I.R. and

IA No. 101071/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Date : 16-10-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE DINESH MAHESHWARI

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Vijay Hansaria, Sr. Adv.

Mr. Abhinav Hansaria, AOR

For Respondent(s) Ms. Deepika V. Marwaha, Adv.

Ms. Liz Mathew, AOR

Ms. Gayatri Puri, Adv.

Ms. Kalpana, Adv.

UPON hearing the counsel the Court made the following

O R D E R

We have heard learned senior counsel for the petitioner and learned counsel for the respondent-caveater. We find the complete legal proceedings of the petitioners an abuse of the process of Court. We may notice that the petitioners in 1996 itself filed a suit for declaration of title by way of adverse possession which was dismissed in default and was never restored. Whereafter the present suit was instituted in 2001 for permanent injunction raising all kinds of pleas with which the petitioners were not concerned.

We are told that the respondent gave up the claim for *mesne* profits at a stage in the suit proceedings with the understanding that the petitioners would be vacating the premises but allegedly they resiled from the same. The execution proceedings are stated to be pending for a year.

We feel that a message needs to be sent for such litigants and we thus, dismiss the Special Leave Petition with costs throughout and quantify the cost before this Court at Rs.25,000/-.

We direct the executing Court to forthwith proceed with the execution to ensure that possession is handed over not later than fifteen days from today and the costs are paid accordingly in the execution proceedings itself. The execution proceedings thus, must be closed within a specified period of time.

The Special Leave Petition is dismissed in aforesaid terms.

Copy of the order be given dasti to learned counsel for the respondent to be placed before the trial Court.

Pending application(s) stand(s) disposed of.

(ASHA SUNDRIYAL)
AR-CUM-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR