

CASE NO.:
Review Petition (civil) 5 of 2008

PETITIONER:
Chunni Lal & Ors

RESPONDENT:
Vidya Devi (D) Th. Lrs. & Ors

DATE OF JUDGMENT: 03/03/2008

BENCH:
C.K. THAKKER & D.K. JAIN

JUDGMENT:
JUDGMENT
O R D E R

CONTEMPT PETITION (C) NO. 5 OF 2008
IN
SPECIAL LEAVE PETITION (C) NO. 7637 OF 2007

A grievance was made in this contempt petition that in spite of an order passed by this Court and in spite of undertaking given by respondent No.1 herein, possession has not been handed over. We, therefore, passed the following order on January 28, 2008, which read thus:
"Issue notice returnable on 3rd March, 2008.

Meanwhile, if the order passed by this Court dated May 4, 2007 is complied with and physical, vacant and peaceful possession is handed over by the tenants to the petitioners-landlord(s), it would not be necessary for the respondents to remain personally present in the Court, but if the said order is not complied with, the respondents will remain personally present in the Court at 10.30 a.m."

An affidavit in reply is filed in the contempt petition. Learned counsel for respondent No.1 points out that respondent No.1\027Chunni Lal is present in the Court. Learned counsel further states that first respondent is ready and willing to hand over vacate and peaceful possession of the premises. In the affidavit in reply also, the respondent No.1 has stated that he has highest regard for the order of this Court and he tenders unconditional and unqualified apology. Respondent No.1 in the affidavit further states that he will abide by the order of this Court.

Learned counsel for respondent No.1 states that if the applicant will remain present, the peaceful and vacant possession will be given tomorrow, i.e. 4th March, 2008 at 5.00 p.m.

On the facts and in the circumstances of the case, we accept unconditional and unqualified apology of respondent No.1. The contempt proceedings are dropped. Respondent No.1 will handover peaceful and vacant possession of the premises to the petitioner tomorrow i.e. on 4th March, 2008 at 5.00 p.m.

JUDIS