

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3575 OF 2012
(@ SPECIAL LEAVE PETITION(C)NO.5990 OF 2009)

GHISALAL M.AGRAWAL (D)THR.LRS.& ORS.

APPELLANTS

VERSUS

RAMESHWAR @ RAMU JAWAHARLAL & ANR.

RESPONDENTS

O R D E R

Leave granted.

Heard learned counsel for the parties to the *lis*.

After hearing learned counsel for the parties to the *lis* and after carefully going through the impugned judgment, we are of the opinion that the High Court in Second Appeal was not justified in reversing the concurrent findings arrived at by the Trial Court and the first Appellate Court. Accordingly, we set aside the orders passed by the High Court and restore the orders passed by the Trial Court.

Since the respondents are holding back the premises in question from the last five decades, we are of the opinion that they will quit and deliver the vacant possession of the premises to the landlord. Accordingly, we direct the respondents to

deliver the vacant possession of the premises to the appellant(s) within a year's time from today. If, for any reason, the respondents fails to comply with the orders and directions issued by this Court, the appellant(s) is/are at liberty to take effective steps for evicting the premises. If necessity arises, the appellant(s) can also take the assistance of the police.

Learned counsel for the respondents will file the usual undertaking before this Court within four weeks' from today.

The appeal is disposed of accordingly. No costs.

.....J.
(H.L. DATTU)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI;
APRIL 16, 2012