

**IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION**

Contempt Petition (C) No 505 of 2020

In

Special Leave Petition (C) No 26544 of 2019

**Sheth Virji Peraj Bhatia
Sanatorium Trust and Another**

...Petitioner(s)

Versus

**Bhawarsingh Ramlal Purohit
and Another**

...Respondent(s)

ORDER

- 1 The contempt proceedings have been initiated for a breach of the undertaking furnished by the respondents in pursuance of the order dated 20 November 2019, by which, time to vacate the premises was granted until 31 May 2020. An undertaking was filed before this Court on 10 December 2019.
- 2 In pursuance of the notice issued by this Court on 28 August 2020, Mr Sachin Patil, has appeared on behalf of the respondents. While tendering an unconditional apology on behalf of the respondents, Mr Patil states that the delay in handing over the possession of the premises occurred only because of the fact that following the out-break of Covid-19, the respondents had gone to Rajasthan. He states that immediately on receipt of the notice, he has informed Mr Kunal Cheema, learned counsel for the petitioners that the respondents would vacate the premises.
- 3 Mr Kunal Cheema, learned counsel appearing on behalf of the petitioners, on the other hand submitted that even after receipt of the notice, the respondents have not made a genuine effort to hand over the possession.

- 4 During the course of the hearing, Mr Sachin Patil has, on instructions, stated that the respondents shall hand over vacant and peaceful possession of the premises to the petitioners at 11 am tomorrow i.e. 30 September 2020. It has also been stated that the respondents shall pay up-to-date charges on account of the consumption of electricity and in addition an amount of Rs 25,000 as a lump sum in lieu of occupation charges at the same time.
- 5 Though, there has been a breach of the undertaking, we are desisting from pursuing the proceedings any further having regard to the circumstances in which there was a delay in handing over possession of the premises and on the express assurance of the learned counsel for the respondents that the possession shall be handed over to the petitioners tomorrow. If there be any breach of the undertaking, we grant liberty to Mr Kunal Cheema, learned counsel for the petitioners to apply for revival of the contempt petition.
- 6 The contempt petition is accordingly disposed of by recording the undertaking of the respondents that they will hand over the possession of the premises at 11 am on 30 September 2020 to the petitioners and pay an amount of Rs 25,000 as a lump sum towards occupation charges, and, in addition thereto, they shall also pay up-to-date electricity charges. The possession of the premises shall be taken by the second petitioner on behalf of the petitioners.
- 7 Pending applications, if any, stand disposed of.

.....J.
[Dr Dhananjaya Y Chandrachud]

.....J.
[Indira Banerjee]

New Delhi;
September 29, 2020
CKB

ITEM NO.14 Court 3 (Video Conferencing) SECTION IX

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

CONMT.PET.(C) No.505/2020 in S.L.P.(C) No.26544/2019

SHETH VIRJI PERAJ BHATIA SANITORIUM TRUST & ANR. Petitioner(s)

VERSUS

BHAWARSINGH RAMLAL PUROHIT & ANR. Respondent(s)

Date : 29-09-2020 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Kunal Cheema, AOR
Ms. Aditi Parkhi, Adv.

For Respondent(s) Mr. Sachin Patil, AOR
Mr. Geo Joseph, Adv.

UPON hearing the counsel the Court made the following
O R D E R

- 1 The contempt petition is disposed of in terms of the signed order.
- 2 Pending application, if any, stands disposed of.

(CHETAN KUMAR)
AR-cum-PS

(SAROJ KUMARI GAUR)
BRANCH OFFICER

(Signed order is placed on the file)