

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CONMT.PET.(C) No. 514/2020 in SLP(C) No. 32168/2017

SHARAD CHAND THOLIA

Petitioner(s)

VERSUS

SURENDRA KUMAR GUPTA

Respondent(s)/  
Alleged contemnor

(IA No. 78472/2020 - EXEMPTION FROM FILING O.T.)

Date : 08-01-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER  
HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mr. Sushil Kumar Jain, Sr. Adv.  
Ms. Christi Jain, AOR  
Mr. Puneet Jain, Adv.  
Mr. Harsh Jain, Adv.  
Mr. Harshit Khanduja, Adv.  
Mr. Akshat Maheshwari, Adv.

For Respondent(s)

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

Though service is complete as per office report, but no one has entered appearance on behalf of the sole respondent/alleged contemnor.

Heard learned senior counsel for the petitioner.

On 28th January, 2020 this Court while dismissing the Special Leave Petition passed the following order:

"Heard.

We find no merit in this Special Leave Petition, which is accordingly dismissed.

However, on the request of the learned counsel for the petitioner, six months' time is granted to vacate the suit premises, subject to filing the usual undertaking in the Registry of this Court, stating that the petitioner shall not create any third party rights, will clear all arrears of rent/dues in the meanwhile, and will hand over vacant and peaceful possession of the suit premises concerned at the end of six months without fail. The undertaking on above shall be filed within four weeks from today.

Pending applications, if any, stand disposed of."

It is not disputed that pursuant to the aforesaid order, the alleged contemnor/respondent has not filed an undertaking which he was required to file within four weeks. It is also an admitted position that the execution petition has already been filed by the petitioner for execution of the decree in question.

In the facts and circumstances of the case, order dated 28th January, 2020 granting time to the respondent to vacate the premises in question is recalled and the executing Court is directed to effect delivery of possession of the premises in question within a period of four weeks from the date of receipt/production of the copy of this order.

In case any police aid is necessary for effecting delivery of possession, the same shall be deputed by the concerned Superintendent of Police.

**The contempt petition is disposed of accordingly.**

**Pending application shall also stand disposed of.**

**(ANITA MALHOTRA)  
COURT MASTER**

**(KAMLESH RAWAT)  
COURT MASTER**