

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL No.1322 of 2017

SUNIL KUMAR AGARWAL & ANR. APPELLANT(S)

VERSUS

MAHENDER KUMAR GANDHI RESPONDENT(S)

O R D E R

We have heard learned counsel for parties at some length qua all nuances of the dispute before us. We were not inclined to interfere with the impugned judgment but at that stage learned counsel for the appellants sought time to obtain instructions whether they would like to invite the judgment or they would like to take some extra time to vacate. We took the matter in the post lunch session and learned counsel for the appellants states that he has obtained instructions and requests that some extra time may be given to vacate. We are thus

not required to pen down the reasons for our conclusion.

In view of the long period of time of stay of the respondent and the general prevailing overall scenario on the economic front, we are granting a little unusually long time upto 31st March, 2023. This is of course subject to furnishing of the usual undertaking by the appellants within four weeks to handover vacant the peaceful possession and continue to pay damages for use in occupations as at present being paid.

The civil appeal accordingly stands dismissed in the aforesaid terms.

At this stage, learned counsel for the appellants state that if in the interregnum the appellants and respondent are able to agree to any other course of action, that may be permitted. We may only say that even in the pre-lunch session such an endeavor was made but learned counsel for the respondent reported to the contrary. However, the stage at which any party can settle is unlimited but we make it

clear that this will not in any eventuality give rise to any further litigation.

.....J.
(SANJAY KISHAN KAUL)

.....J.
(M.M. SUNDRESH)

NEW DELHI;
03rd MARCH, 2022

ITEM NO.101

COURT NO.6

SECTION XII-A

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

Civil Appeal No.1322/2017

SUNIL KUMAR AGARWAL & ANR.

Appellant(s)

VERSUS

MAHENDER KUMAR GANDHI

Respondent(s)

(IA No. 12105/2022 - APPLICATION FOR SUBSTITUTION
IA No. 12106/2022 - SETTING ASIDE AN ABATEMENT)

Date : 03-03-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE M.M. SUNDRESH

For Appellant(s) Mr. V. V. S. Rao, Sr. Adv.
Mr. Sirajuddin, Sr. Adv.
Mr. Guntur Prabhakar, AOR

For Respondent(s) Mr. R. P. Mehrotra, Sr. Adv.
Mr. Mukesh Verma, Adv.
Mr. Pankaj Kumar Singh, Adv.
Mr. Shailja Kant Dubey, Adv.
Mr. Apoorv Shrivastav, Adv.
Mr. Yash Pal Dhingra, AOR

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

The civil appeal is dismissed in terms of the signed order.

Pending applications stand disposed of.

(RASHMI DHYANI)
COURT MASTER

(POONAM VAID)
COURT MASTER

(signed order is placed on the file)