

ITEM NO.15

Court 1 (Video Conferencing)

SECTION X

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

Petition for Special Leave to Appeal (C) No.11541/2020

(Arising out of impugned final judgment and order dated 18-10-2019 in CR No. 98/2013 passed by the High Court of Uttarakhand at Nainital)

M/S ROHAN MOTORS LIMITED

Petitioner(s)

VERSUS

NARENDRA MITTAL &amp; ANR.

Respondent(s)

Date : 24-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)

Mr. Harin Raval, Sr. Adv.  
Mr. Alok Bhachawat, Adv.  
Mr. Uday Singh, Adv.  
Ms. K. V. Bharathi Upadhyaya, AOR

For Respondent(s)

Mr. Mukul Rohatgi, Sr. Adv.  
Mr. Krishnan Venugopal, Sr. Adv.  
Mr. Manan Verma, AOR  
Mr. Gaurav Agrawal, AOR

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

The Court is convened through Video Conferencing.

Heard learned Senior counsel appearing for the parties at a considerable length.

After carefully perusing the material available on record, we see no reason to interfere with the impugned order passed by the High Court whereby the said Court upheld the eviction of the petitioner – tenant.

The Special Leave Petition is, accordingly, dismissed.

However, as prayed for by learned Senior counsel for the petitioner, one year's time from today is granted to vacate the suit premises, subject to filing usual undertaking in the Registry of this Court within a period of four weeks from today, stating therein that the petitioner shall not create any third party rights, will clear all the rent/dues/occupational charges in the meanwhile and will peacefully vacate the suit premises concerned at the end of one year positively.

Further, the dismissal of this Special Leave Petition would not mean that we have expressed any opinion on the Partition Suit, which is stated to be pending between the co-owners before the concerned Court, and such proceedings shall be decided on its own merits and in accordance with law, without being affected by the findings or observations made by Courts below in the eviction proceedings initiated by Respondents - co-owners against the petitioner - tenant who is in occupation of the entire joint property.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(R.S. NARAYANAN)  
COURT MASTER (NSH)