

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.5527 OF 2019
(@ Special leave petition © No.32632 of 2013)

BOARD OF TRUSTEES OF THE PORT OF MUMBAI Appellant (s)

VERSUS

KALIMPONG ART HOUSE & ORS. Respondent(s)

O R D E R

Leave granted.

Learned counsel for the sub-lessee (Respondent No.1) states that the time may be granted to the sub-lessee to handover vacant and peaceful possession of the entire premises in question and that the said portion is in his possession alone as a sub-lessee.

The aforesaid course is not objected by the learned senior counsel for the appellant, on instructions, subject to the condition that the damages imposed by the impugned order by the

Estate officer on 10th October, 2007 are paid, and an unequivocal undertaking is furnished on behalf of the sub-lessee to this Court on aforesaid terms.

4. We thus dispose of the appeals in the following terms:

1. The sub-lessee shall furnish an undertaking to this Court on usual terms within four weeks from today.

2. In addition, to the usual terms the undertaking will categorically state that the entire suit premises is in his occupation and there is no other person in occupation. Subject to furnishing of the said undertaking, time is granted to the sub-lessee till 31-12-2019 to handover vacant and peaceful possession.

3. The damages/charges assessed as per order of the Estate Officer dated 10th October, 2007 shall continue to be paid by the sub-lessee month to month and the arrears shall be paid to the appellant within a period of one month from today.

The appeal is accordingly disposed of.

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

.....J.
(K.M. JOSEPH)

NEW DELHI
JULY 15, 2019

ITEM NO.48

COURT NO.13

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

Petition for Special Leave to Appeal (C) No.32632/2013

(Arising out of impugned final judgment and order dated 14-06-2013
in WP No.50/2011 passed by the High Court of Judicature at Bombay)

BOARD OF TRUSTEES OF THE PORT OF MUMBAI Appellant (s)

VERSUS

KALIMPONG ART HOUSE & ORS. Respondent(s)

Date : 15-07-2019 This petition was called on for hearing today.

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

For Petitioner(s) Mr. Parag P. Tripathi, Sr. Adv.
Mr. A. V. Rangam, AOR
Ms. Aditi Sharma, Adv.
Ms. Stuti K., Adv.

For Respondent(s) Mr. N. Ganpathy, Sr. Adv.
Ms. Mukti Chowdhary, AOR
Mr. Mahesh Singh, Adv.

Mr. A.K. Raina, Adv.
Mr. Ram Lal Roy, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed order.

Pending application(s), if any, shall also stand
disposed of.

(POOJA ARORA)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER

(Signed order is placed on the file)