

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (C) No. OF 2017 (CC NO.3869)

ANIL KUMAR

.....PETITIONER

VERSUS

SHAM LAL (DEAD) THR. LRS.

.....RESPONDENTS

O R D E R

1. The application for permission to file the special leave petition is allowed.

2. Delay condoned.

3. The impugned order can be appreciated by first referring to an order dated 21.05.2015, whereby, rather than canvassing the claim of the petitioner-tenant on merits, the petitioner sought some reasonable time to vacate the premises in question. While seeking time, the petitioner informed the Court, that the petitioner had consulted his family members. On 21.05.2015, the respondent-landlord offered to give one year's time, to the petitioner-tenant, to vacate the premises in question. He also undertook not to initiate execution proceedings to evict the petitioner-tenant, in the meantime.

4. In the light of the undertaking, which was recorded by the High Court on 21.05.2015, the main Civil Revision was disposed of on 06.01.2016 whereby, the petitioner-tenant was granted time upto 31.12.2016, to vacate the premises. The petitioner got more

than one and a half years' time to vacate the tenanted premises. The impugned order dated 06.01.2016 cannot be assumed to have been passed without the consent and due consideration of the petitioner-tenant.

5. When the Miscellaneous Application was heard (which was disposed of vide the impugned order dated 06.01.2016), the petitioner-tenant made out as if, the undertaking given to the Court was not voluntary. This was sought to be suggested in the pleadings of the Civil Miscellaneous Application Nos.1128-29 of 2017, itself, wherein, a recall of the order dated 06.01.2016 was sought, after having fully enjoyed the benefit of one year's stay, in furtherance of the impugned order passed by the High Court on 06.01.2016. Factually, since the Miscellaneous Applications were registered during the year 2017, it is apparent, that the petitioner-tenant had fully enjoyed the benefit of the order dated 06.01.2016, when he approached the High Court, for recall of the impugned order. The Civil Miscellaneous Application, filed by the petitioner-tenant for recall, was rejected by the High Court, on 27.01.2017. It is therefore, that the petitioner is now before this Court, to assail the order dated 06.01.2016.

6. In view of the factual position noticed hereinabove, we are satisfied, that the case in hand demonstrates, a complete and absolute abuse of the judicial process. No indulgence whatsoever can be granted to the petitioner-tenant. To dissuade persons from taking recourse to such tactics, as the petitioner has adopted in this case, we consider it just and appropriate to dismiss the instant petition, with costs. We therefore hereby dismiss the

instant special leave petition with costs, quantified as Rs.50,000/- (Rupees fifty thousand only). The aforesaid costs shall be paid by the petitioner-tenant to the respondents on or before 31.03.2017. In case the above-mentioned costs are not paid by that time, and in case the premises in question is not vacated by 31.03.2017, the costs awarded by this Court, as payable by the petitioner-tenant, shall be deemed to be quantified as Rs.1,00,000/- (Rupees one lakh only).

7. Dismissed in the above terms.

.....CJI.
(JAGDISH SINGH KHEHAR)

.....J.
(Dr.D.Y.CHANDRACHUD)

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

NEW DELHI;
FEBRUARY 22, 2017.

ITEM NO.4

COURT NO.1

SECTION IVB

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(s) for Special Leave to Appeal (C).....CC No(s).
3869/2017

(Arising out of impugned final judgment and order dated 06/01/2016
in CRN No.3477/2015 passed by the High Court of Punjab & Haryana at
Chandigarh)

ANIL KUMAR

Petitioner(s)

VERSUS

SHAM LAL (DEAD) THR. LRS.

Respondent(s)

(With appln.(s) for permission to file SLP and office report)

Date : 22/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr.Karan Kapoor, Adv.
Mr.Manik Kapoor, Adv.
Mr.Mayank Jain, Adv.
Mr.Aviral Kashyap, Adv.

For Respondent(s)

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

1. The application for permission to file the special leave
petition is allowed.
2. Delay condoned.
- 3 Dismissed in the terms of the signed order.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RENUKA SADANA)
ASSISTANT REGISTRAR

(Signed order is placed on the file)