

the petitioners to handover possession within 30 days.

2. The petitioners, thereafter, filed a Writ Petition which was also dismissed by the High Court on 12.07.2019, and time was granted till 31.10.2019 to vacate the said premises.

3. The petitioners, then, filed Special Leave Petitions before this Court, which were also dismissed on 03.10.2019 with the following order:

“The Special Leave Petitions are dismissed. However, on the request of the learned counsel for the petitioners, we allow the petitioners further period till 31st March, 2020 to vacate the premises subject to filing of usual undertaking within four weeks from today.

Pending application(s), if any, stands disposed of accordingly.”

Even then the petitioners did not vacate the said premises and chose to file a Review Petition before the High court, which was also dismissed on 12.02.2021. Challenging the said Order, these Special Leave Petitions have been filed.

4. In the aforesaid facts of this case, it is absolutely clear that the petitioners, as tenant, are wanting to cling on to the property in question, even after having lost from all the Courts, including this Court.

5. The Special Leave Petitions against the Order of the Writ Court

was dismissed on 03.10.2019, whereby they were directed to vacate the premises by 31.03.2020. The Review Petition was also filed on flimsy ground that some compromise has been entered into in 1979 between the father of the petitioners on one side and the respondent. The same has been dismissed by the High Court after noticing that the suit for eviction was filed by the plaintiff respondent in the year 2009, which was 30 years after the alleged compromise is said to have been entered into in 1979. It has also been rightly held that the aspect of *res judicata* will not apply when eviction is sought on the ground of *bona fide* need. We see no ground to interfere with the said Order passed by the High Court.

6. Accordingly, these Special Leave Petitions are dismissed.

7. From the facts as narrated above, it is clear that the petitioners are trying to cling on to the property, even though the petitioners have lost from all Courts. In the earlier Special Leave Petitions, petitioners were directed to vacate the premises by 31.03.2020, which they have not vacated. Thus, we are of the opinion that the petitioners have abused the process of law in managing to remain in possession of the property in question, especially after the direction of this Court's Order dated 03.10.2019 passed while dismissing earlier Special Leave Petitions of the petitioners.

8. In the aforesaid circumstances, while dismissing these Special Leave Petitions, we impose cost of Rs.50,000/- (Rupees Fifty Thousand), which shall be paid to the plaintiff-respondent and also direct that petitioners shall vacate the premises in question within 1 month from today, failing which, the respondent shall be at liberty to initiate proceedings for contempt against the petitioners.

.....J
(Mohan M. Shantanagoudar)

.....J
(Vineet Saran)

**NEW DELHI;
MARCH 4, 2021.**

7. From the facts as narrated above, it is clear that the petitioners are trying to cling on to the property, even though the petitioners have lost from all Courts. In the earlier Special Leave Petitions, petitioners were directed to vacate the premises by 31.03.2020, which they have not vacated. Thus, we are of the opinion that the petitioners have abused the process of law in managing to remain in possession of the property in question, especially after the direction of this Court's Order dated 03.10.2019 passed while dismissing earlier Special Leave Petitions of the petitioners.

8. In the aforesaid circumstances, while dismissing these Special Leave Petitions, we impose cost of Rs.50,000/- (Rupees Fifty Thousand), which shall be paid to the plaintiff-respondent and also direct that petitioners shall vacate the premises in question within 1 month from today, failing which, the respondent shall be at liberty to initiate proceedings for contempt against the petitioners."

Pending applications, if any, stand disposed of accordingly.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(R.S. NARAYANAN)
COURT MASTER

(Signed order is placed on the file)