

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

M.A. NOS.1083-1084/2020

IN

C.A. NOS. 6049/2007 & 6050/2007

**SIRDAR K.B. RAMACHANDRA RAJ URS (DEAD)
THROUGH LRS. ETC.**

PETITIONER(S)

VERSUS

SARAH C URS & ANR.

RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

There is decree of specific performance in favour of the plaintiff(s) with respect to ½ share. Consequently, conveyance is required to be executed, pursuant to the decision rendered by this Court. For division by metes and bounds a Commissioner was appointed. The Report of the Commissioner with respect to division of the property was not objected.

We direct the Executing Court to ensure execution of the requisite conveyance. However, execution of the deed of conveyance shall not come in the way of handing over of the possession as it was stated by Mr. Jaideep Gupta, learned senior counsel, that the

construction as per decision suggested by the Commissioner to divide property, is going on in full swing and due to Covid-19 the construction was delayed.

The period initially fixed by this Court has lapsed. We give last opportunity of four weeks from today. Let the vacant possession be handed over on or before 12.09.2020. In case, it is not handed over it shall be treated to be gross violation of this Court's order and applicant(s) would be liable to be penalized.

It was also submitted that as against the order passed by the Executing Court of handing over of the possession, since the construction was not over, the High Court was approached.

It is submitted by Mr. Jaideep Gupta, learned senior counsel, that they will withdraw the proceedings in the High Court. However, as agreed by the learned counsel for the applicant(s), we vacate the interim stay granted by the High Court in the proceedings. In view of the order passed by this Court today, we request the High Court not to entertain any petition in this matter because the order of this Court is conclusive, final and binding on the parties.

Let the compliance be reported to this Court by the applicant(s) on or before 12.09.2020, failing which the appropriate steps shall be taken to initiate the contempt proceedings for violation of the order of this Court.

Accordingly, these applications are disposed of.

List on 21.09.2020, to report compliance.

.....J.
[ARUN MISHRA]

.....J.
[B.R. GAVAI]

.....J.
[KRISHNA MURARI]

NEW DELHI;
AUGUST 13, 2020.

ITEM NO.3 Court 3 (Video Conferencing)

SECTION IV-A

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

MISCELLANEOUS APPLICATION NO(S). 1083-1084/2020
IN C.A. NOS. 6049/2007 & 6050/2007

SIRDAR K.B. RAMACHANDRA RAJ URS (DEAD)
THROUGH LRS. ETC.

PETITIONER(S)

VERSUS

SARAH C URS & ANR.

RESPONDENT(S)

(FOR ADMISSION and IA No.28352/2020-EXTENSION OF TIME
IA No. 28352/2020 - EXTENSION OF TIME)

Date : 13-08-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE KRISHNA MURARI

Counsel for parties

Mr. Jaideep Gupta, Sr. Adv.
Mr. Vikas Mehta, AOR
Ms. Anushree Menon, Adv.

Mr. Parijat Sinha, AOR
Ms. Reshmi Rea Sinha, Adv.
Mr. Yudhister Singh, Adv.
Mr. Devesh Mishra, Adv.
Mr. Rudra Dutta, Adv.

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

These applications are disposed of in terms of the signed
order.

List on 21.09.2020, to report compliance.

(NARENDRA PRASAD)
ASTT. REGISTRAR-cum-PS

(JAGDISH CHANDER)
ASSISTANT REGISTRAR

(Signed order is placed on the file)