

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

CONMT.PET.(C) Nos. 382-383/2020 in C.A. Nos. 9213-9214/2019

ASHOK KUMAR GOEL

Petitioner

VERSUS

PETER TA TUNG LING

Respondent/
Contemnor

O R D E R

On 10.09.2020, following observations were made by this Court:

“Without going into rival contentions urged on behalf of the parties, we put it to Ms. Bina Madhavan whether all the persons concerned were willing to hand-over possession and thereafter have the advantages in terms of the directions issued by this Court. On taking instructions, Ms. Bina Madhavan, learned counsel submitted that her clients would be willing to do so, provided some reasonable time is afforded to them to vacate handfull possession of premises to the landlord and the tenant is reinducted into the premises after renovation is effected by the landlord.

Since the parties are agreeable to the course suggested, we direct:

(a) all the heirs of the deceased respondent shall file appropriate undertakings within two weeks from today in the Registry of this Court that they shall handover possession of the premises in question to the landlord on or before 31.12.2020

(b) Upon receipt of the possession as aforesaid, the landlord shall within 18 months thereafter rebuild/renovate the building with basement and ground floor of the premises and reinduct the heirs of the deceased tenant into the premises of identical nature. The landlord shall also file appropriate Affidavit of Undertaking within two weeks after receipt of the undertakings on part of the heirs of the tenant.

(c) Till 31.12.2020, the heirs of the tenant shall be obliged to carry out their obligations in terms of the tenancy of the premises and keep on paying the rentals falling due from time to time, nor shall they create any third party interest in the premises.

In case the undertakings as detailed hereinabove are not filed on part of the heirs of the tenancy, the matter shall be heard on merits on the next date of hearing.

List on 16.10.2020 to report compliance or for further orders."

We are happy to note that the parties have settled the dispute.

Affidavits of Undertaking have been filed by following five legal representatives and successors to the original tenant.

- (i) Peter Ta Tung Ling s/o Late Lin Kuei Tsan;
- (ii) Josephine Tatung d/o Late Lin Kuei Tsan;
- (iii) Anne Gulati d/o Lin Kuei Tsan;
- (iv) Mary Washington d/o Late Lin Kuei Tsan; and

(v) Paul Ling s/o Late Lin Kuei Tsan

An appropriate Affidavit of Undertaking has also been filed by the petitioner Ashok Kumar Goel.

It must be stated here that after the Affidavit of Undertaking was sworn-in, Mary Washington d/o. Late Lin Kuei Tsan has expired leaving behind a daughter. At the request of Ms. Bina Madhavan, learned Advocate for the heirs of Late Lin Kuei Tsan, the matter was adjourned to enable her to take instructions.

Ms. Madhavan, learned Advocate, has now reported that the daughter of late Mary Washington is not interested in the present proceedings and that the interest and estate of Late Lin Kuei Tsan is sufficiently represented by other heirs. We record the statement and proceed with the matter.

The Affidavits of Undertaking filed as aforesaid, except that of Mary Washington, are taken on record.

Since the parties have shown willingness to give quietus to the dispute in terms of the directions issued by this Court in its order dated 10.09.2020, it is now directed that Directions (a), (b) and (c) issued in the order dated 10.09.2020 shall be binding on the parties.

With these observations, the Contempt Petitions are disposed of.

.J.
[UDAY UMESH LALIT]

.J.
[VINEET SARAN]

.J.
[S. RAVINDRA BHAT]

New Delhi;
November 6, 2020.

