

CIVIL APPLICATION No.2412 OF 2006.
IN
WRIT PETITION No.4531 OF 2006.

Court or Judge's Order.

P.C.:-

2] At this juncture, learned

Counsel appearing for the Applicant submits that in view of the Order of Apex Court dated 11th September, 2006 he is entitled for the relief claimed. In my considered view, the submission made is misplaced.

3] It will be relevant to place on record that my predecessor vide order dated 18th July, 2006 was pleased to dismiss the petition filed at the instance of the tenant. However, granted time to vacate the suit premises within six weeks subject to the filing of the undertaking within a period of two weeks from the date of order. Instead of furnishing undertaking to this Court to vacate the suit premises, the petitioner preferred to file Petition for Special Leave to Appeal in the Supreme Court that too without filing undertaking in this Court. During the pendency of Petition, the petitioner lost possession. It was not disclosed by the Petitioner to the Apex Court.

Since the petitioner has lost possession in execution of the decree for eviction, the petitioner is not entitled for restoration of the possession. Petition is, therefore, rejected with no order as to costs.

[V.C.DAGA,J.]