

THE HIGH COURT OF MEGHALAYA AT SHILLONG.

CR(P) NO.(SH)47/2013

1. Shri.Rajendra Rai,
S/o (L) Rambrich Rai.
2. Shri.Sograth Rai,
S/o (L) Rambrich Rai.
3. Shri.Okil Rai,
S/o (L) Vimal Rai.
4. Shri.Shivji Rai,
S/o (L) Rampukar Rai.
5. Shri.Tale Rai,
S/o (L) Ram Bharosh Rai.
6. Shri.Bijay Rai,
S/o (L) Kashi Rai.
7. Shri.Raj Balman Rai,
S/o (L) Jamun Rai.
8. Shri.Vijay Rai,
S/o (L) Sakal Deep Rai.
9. Shri.Jadhu Rai,
S/o (L) Hiradaya Rai.
10. Shri.Raju Rai,
S/o (L)Kalktar Rai.
11. Shri.Puran Rai,
S/o (L) Bala Rai,
All residents of Lapalang, Shillong,
District: East Khasi Hills, Meghalaya.

:::: Petitioners

- Vrs -

Smti. Silvina Kharkongor,
D/o (L) Riar Kharkongor,
R/o Lapalang Cottage,
Nongthymmai, Shillong.
District: East Khasi Hills, Meghalaya.

:::: Respondent

BEFORE
THE HON'BLE MR JUSTICE T NANDAKUMAR SINGH

For the Petitioners : Mr. BK Deb Roy, Adv

For the Respondent : Mr. S Marpan, Adv

Date of hearing : **30.07.2013**

Date of Judgment & Order : **30.07.2013**

JUDGMENT AND ORDER (ORAL)

Heard Mr. BK Deb Roy, learned counsel for the petitioners and Mr. S Marpan, learned counsel for the respondent.

2. This is the clearest example of misusing the judicial proceedings for the purpose of delaying the execution of the judgment and decree, which had been upheld by the Apex Court i.e. the Supreme Court of India.

3. The present petitioners before the Apex Court had made an undertaking that the petitioners will vacate the suit premises and accordingly, the Apex Court passed the order dated 11.01.2013 in the petition for Leave Special Leave to Appeal (Civil) No.(s). 37473/2012 that "Special Leave Petition is dismissed. However, the petitioners are allowed time till July 31, 2013 to vacate the suit premises subject to their filing usual undertaking/affidavit before this Court within four weeks from today."

4. It is clear from the order of the Apex Court dated 11.01.2013 that the petitioners had been given time to vacate the suit premises. Instead of complying with the directions of the Apex Court in the said order dated 11.01.2013, the petitioners had filed several applications before the Executing Court for delaying the execution. Learned Executing Court had dismissed all the

applications filed by the present petitioners. The fruit of the long legal battle should not be denied to the decree holder by filing several applications for delaying tactics. The present case is the clearest example.

5. In such circumstances, this Court is of the considered view that a cost is required to be imposed upon the petitioners. Accordingly, impose a cost of Rs.10,000/- which is to be paid by the present petitioners within a period of one month from today to the sole respondent.

6. Mr. BK Deb Roy, learned counsel for the petitioners again made an undertaking that the petitioners shall vacate the suit premises within a period of three months from today. In the given case, it is very hard to believe the said undertaking made by Mr.BK Deb Roy, learned counsel for the petitioners. However, taking into consideration of the peculiar circumstances of the present case, the petitioners are allowed time till 2nd September, 2013 to vacate the suit premises.

7. For the foregoing reasons, the petitioners had utterly failed to make out the case for interfering with the impugned order dated 24.07.2013 passed by Smti.K.M. Lyngdoh Nongbri, Assistant to Deputy Commissioner, Shillong in Misc. Case No.74(T) 2013. Accordingly, the present revision petition is dismissed with the above observations and directions. Learned Assistant to Deputy Commissioner, Shillong, if the petitioners fail to vacate the suit premises on or before 2nd September, 2013 and pay the said cost of Rs.10,000/- (Rupees ten thousand) shall proceed to execute the decree for eviction of the petitioners.

JUDGE

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