

ITEM NO.1

Court 5 (Video Conferencing)

SECTION IX

**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**

CONMT.PET.(C) Nos. 614-620/2020 in SLP(C) Nos. 25657-25663/2016

S. K. GHOSE

Petitioner(s)

VERSUS

SURESH SHANTARAM SATPUTE (D) & ORS.

Respondent(s)

(FOR ADMISSION)

(With IA No. 111477/2020 - APPLICATION FOR PERMISSION, IA No. 128536/2020 - APPLICATION FOR SUBSTITUTION, IA No. 128520/2020 - DELETING THE NAME OF PETITIONER/RESPONDENT and IA No. 111478/2020 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 22-01-2021 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Tushar Mehta, SG. Sr. Adv.
Ms. Mayuri Raghuvanshi, AOR
Mr. Vyom Raghuvanshi, Adv.

For Respondent(s) Mr. Arvind Gupta, AOR
Mr. Nimesh Mehta, Adv.
Mr. Gunjan Kumar, AOR

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

Despite order dated 17.12.2020, the respondents (Mahesh Ramakrishna Tendolkar, Sanotsh Raja Ram Patange and Suresh Mohanlal Mehta) have failed to hand over vacant and peaceful possession. The order envisages that in that situation, the petitioner would be free to take forcible possession with the help of police force. Mr. Tushar Mehta, learned Solicitor General appearing in the matter for the petitioner, submits that, that option will be now exercised

within next two days. In the circumstances, we defer the hearing of this matter till 27th January, 2021. In the meantime, the petitioner may proceed to exercise the option specified in order dated 17.12.2020 and report compliance in that behalf. We reiterate that the Commissioner of Police, Mumbai, shall provide necessary police force to facilitate forcible eviction of the respondents. That process can be carried forward irrespective of any order of the subordinate Courts issuing contrary directions impacting compliance of the Order passed by this Court.

Order dated 17.12.2020 also directed the respondents to remain personally present. Instead of remaining physically present for reporting compliance, they have chosen to engage new Advocate. We deprecate the practice and also express hope that the advocates accepting such last minutes briefs should eschew from doing so, which is nothing but trying to circumvent the proceedings before the Court. Since the respondents (Mahesh Ramakrishna Tendolkar, Sanotsh Raja Ram Patange and Suresh Mohanlal Mehta) have failed to remain present in Court today, we issue non-bailable warrants to secure their presence. The Commissioner of Police, Mumbai, shall ensure that the non-bailable warrants are executed and the respondents are produced before the Court on the next date of hearing.

(NIDHI AHUJA)
AR-cum-PS

(VIDYA NEGI)
COURT MASTER (NSH)