

Dr. Nitya Nand Vs. District Judge, Lucknow and ors.

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Court : Supreme Court of India

Decided On : Jan-06-1984

Reported in : 1984(32)BLJR218; 1984(Supp)SCC395

Judge : D.A. Desai and; R.B. Misra, JJ.

Appeal No. : Civil Appeal No. 10114 of 1983

Appellant : Dr. Nitya Nand

Respondent : District Judge, Lucknow and ors.

Advocate for Def. : Mr. S.N. Kacker, Mr. A.K. Sen

Advocate for Pet/Ap. : Mr. M.C. Bhandare

Disposition : Appeal Dismissed

Prior history : From the Judgment and Order dated October 18, 1983 of Allahabad High Court in W.P. No. 3211 of 1983

Judgement :

D.A. Desai and; R.B. Misra, JJ.

1. This appeal was listed today to hear a miscellaneous petition made by Respondent 4 for revocation of certificate granted by the High Court.

2. Having gone through the record, we found that the appellant would retire from his post of Director of Central Drug Research Institute, Lucknow on December 31, 1984.

3. Mr M.C. Bhandare, learned counsel for the appellant states that the appellant is not interested in prosecuting this appeal if he is protected in his possession for a period of one month beyond the date of his retirement i.e. till January 31, 1985. That appears to us to be a reasonable request. But the more important part of which we must record our appreciation is that Mr S.N. Kacker, learned counsel for the Respondent 4 and Mr A.K. Sen, learned counsel for the Respondent 3 frankly stated that they would appreciate this approach on behalf of the appellant and concur in the order that this Court may choose to pass accepting the reasonable request of the appellant. Accordingly we dispose of this appeal with the direction that appellant shall file an undertaking on oath through his advocate on record within four weeks from today, that he will vacate and hand over peaceful possession of the premises on or before January 31, 1985 failing which he will be visited with the consequence of contempt of Court. Appeal is dismissed but the appellant subject to condition herein before stated is given time to vacate the premises latest by January 31, 1985.

4. Mr S.N. Kacker, learned counsel for Respondent 4 pointed out that while he consents on behalf of his client to grant time upto and inclusive of January 31, 1985 to the appellant, the Court may kindly note that Respondent 4 himself is under a threat of eviction and his consent may spell out a dangerous consequence in law. We appreciate this apprehension but hope that the landlord of Respondent 4 would not so pursue the matter that Respondent 4 in the mean time is rendered homeless. This appeal is disposed of in terms of the order herein made.

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