

High Court of Sikkim

Record of proceedings

**I.A. No.01 of 2017 in Cont.Cas(C) No.01 of 2017**

Smt. Kamala Gurung vs. Shri Arjun Kumar Minda

**BEFORE**

**THE HON'BLE MRS. JUSTICE MEENAKSHI MADAN RAI, JUDGE**

04. 12-08-2017 Present : Mr. Sudesh Joshi, Advocate for the Petitioner.

Mr. A. Moulik, Senior Advocate with Mr. Ranjit Prasad, Advocate for the Respondent.

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Heard on I.A. No.01 of 2017, which is an Application under Section 151 of the Code of Civil Procedure, 1908, filed by the Respondent, informing this Court that the suit premises have been vacated and the keys handed over to the Learned Counsel for the Appellant.

Learned Counsel for the Appellant has acknowledged receipt of the same, who also clarifies that so far as payment of house rent is concerned, the rent up to the month of June 2017 has been deposited by the Respondent. The rent for the months of July and August, 2017, shall be adjusted from Rs.5,000/- (Rupees five thousand) only, which had been received by the Petitioner as advance rent at the commencement of the tenancy from the Respondent.

Learned Counsel for the Respondent agrees to the proposal. Thus, nothing further remains for settlement between the parties.

It is relevant to point out that Cont.Cas(C) No.01 of 2017 had been registered against the Respondent on the plea of the Appellant that the Respondent had failed to vacate the suit premises.

The Respondent filed his response along with copy of the Order of the Hon'ble Supreme Court dated 02-06-2017 in

Petition for Special Leave to Appeal (C) No.16025 of 2017 with I.A. No.45022 of 2017, vide which time to vacate the premises was extended to 30-11-2017, subject to filing of usual undertaking by the Respondent. Accordingly, the Contempt Petition was disposed of on 29-07-2017.

However, it was communicated to the Registry by the Hon'ble Supreme Court vide communication dated 20-07-2017 that the undertaking filed by the Respondent was barred by twelve days and not in conformity with the Court's Order dated 02-06-2017.

By filing the instant I.A., it is submitted that the premises in question have been vacated and Learned Counsel concedes that he has no grievance against the Respondent.

In view of the above facts and circumstances, this I.A. stands disposed of.

**Judge**  
12-08-2017

Index : ~~Yes~~/No

Internet : Yes/~~No~~

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