

In the Court of Smt. KALPANA M. KULKARNI  
DISTRICT AND SESSIONS JUDGE BAGALKOT  
Case No.: EX / 308 / 2019 CNR Number: KABK010037632019  
Sadashiva S Kembavi Vs The Management of Sri. Basaveshwara  
Veerashiava Vidyavardhak Sangh Rep by Chairman  
SHANMUKHSA KRISHNASA MAGAJI Advocate / K.S.DESHAPANDE,  
Advocate

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ORDER ON PAYMENT APPLICATION DATED 27.5.2020

The D.Hr has filed this application to pass payment order in the name of D.Hr regarding the amount deposited by J.Drs to the tune of Rs.3,94,555/- in CCD No.94/2019-20 dated 16.3.2020 in this case.

2. The Advocate for J.Drs has filed objections to this application and contended as below:

The execution petition is filed to execute the order passed by this Court in ETA No.4/2015 passed on 19.6.2019. The said order was challenged before Hon'ble High Court of Karnataka, Dharwad Bench in two Writ Petitions. The matter regarding interim relief was heard on 3.9.2019 in writ petitions and request for interim relief was rejected. The Writ Appeal filed against the rejection of interim relief was also rejected in Writ Appeal by order dated 19.9.2019. The J.Drs have preferred Special Leave to Appeal Nos.3393-3394/2020 before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India passed an order on 10.2.2020 to pay the respondent dues in

terms of the impugned order of this Court without taking any work from him. These dues were to be paid within four weeks from 10.2.2020. The notice of said SLP is also issued to the respondent and matter is still pending. The Hon'ble Supreme Court in the above proceedings before it has ordered to issue notice to respondent No.1 who is present D.Hr, it is an interim order dated 10.2.2020 that if the amounts are deposited, the present D.Hr shall not join the petitioner institution, therefore, it is for the Hon'ble Supreme Court to release the amount deposited in this court, therefore, the D.Hr is at liberty, if he desires to get the permission of the Hon'ble Supreme Court for payment of the amount in deposit in this case, and these J.Drs are bound by the orders of Hon'ble Supreme Court in this behalf. Hence, the application be disposed off.

3. Heard. Perused the records.

4. On 10.2.2020 the Hon'ble Supreme Court of India has passed interim order in Special Leave to Appeal (C) Nos.3393-3394/2020 to the effect as below:

*“Learned senior counsel for the petitioners however submits that re-joining of the respondent No.1 in an institution against which the respondent has carried out a tirade as reflected on page No.177, in the interregnum period is not conducive for the institution. The petitioners are however willing to pay all the dues in terms of the impugned order and continue to pay the respondent*

*amounts in terms of the said orders but would not take work from him.*

*Needful be done within four weeks.*

*Subject to the aforesaid, let notice issue to the respondents limited to the aforesaid aspects.*

*If the amounts are deposited and be paid, the respondent shall not join the petitioner-institute.”*

5. In the light of order of Hon'ble Supreme Court noted above, it is placed on record that as stated in memo dated 7.3.2020 itself, the J.Drs have not deposited all the due amount payable to D.Hr within 4 weeks from the date of order of Hon'ble Supreme Court dated 10.2.2020 in Special Leave to Appeal Nos.3393-3394/2020 in this case.

6. In the light of order of Hon'ble Supreme Court noted above, it is noted that there is direct nexus between deposit of entire dues in terms of the order passed in EAT No.4/2015 dated 19.6.2019 and payment of said entire dues to the D.Hr and also taking work from D.Hr, as there is partial deposit of entire dues, these aspects are seized before the Hon'ble Supreme Court in Special Leave to Appeal Nos.3393-3394/2020, this Court comes to conclusion that it is proper to keep pending the application till disposal of Special Leave to Appeal Nos.3393-3394/2020.

7. Accordingly, the payment application dated 27.5.2020 is kept pending till disposal of Special Leave to Appeal Nos.3393-3394/2020.

(Sd/-)  
Prl. District and Sessions Judge, Bagalkot.