

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3839 OF 2001

NAGARATNA & ORS.

Appellant (s)

VERSUS

GANAPATHYAPPA & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 11/09/2007 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR
HON'BLE MR. JUSTICE MARKANDEY KATJU

For Appellant(s)

Mr. Rajesh Mahale, Adv.
Mr. R.C. Kohli, Adv.

For Respondent(s)

Mr. D. Mahesh Babu, Adv. (N.P.)

UPON hearing counsel the Court made the following
ORDER

The appeal is dismissed in terms of the signed order.
No order as to costs.

(Sukhbir Paul Kaur)
Court Master

(Vijay Dhawan)
Court Master

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3839 OF 2001

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ORDER

We have heard learned counsel for the appellant and also
perused the order passed by the High Court.

Counsel for the respondent is not present.

In the facts and circumstances of the case, we think that

there is no need to interfere in this appeal. The High Court has already safeguarded the interest of the purchaser-appellant before us to the extent that the sale in favour of the appellant can only be valid to the extent of shares of Defendant Nos. 1 and 2 subject to equity in their favour. This observation by the High Court adequately safeguards the interest of the purchaser-appellant.

Consequently, there is no merit in this appeal. The same is accordingly, dismissed.

No order as to costs.

.....J.
(A.K.MATHUR)

.....J.
(MARKANDEY KATJU)

New Delhi,
September 11, 2007.