

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3358/2006

(From the judgement and order dated 30/06/2005 in CRP No. 4926/2001 of the
HIGH COURT OF KARNATAKA AT BANGALORE)

RUKMINIBAI & ORS.

Petitioner(s)

VERSUS

BALASHI SIDRAYA NAIK

Respondent(s)

(With prayer for interim relief)

Date: 04/01/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s)

Mr. Vaijyanthi Girish,Adv.
Mr. Girish Ananthamurthy,Adv.
for Mr. P.P. Singh,Adv.

For Respondent(s)

Mrs. K. Sarada Devi,Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The impugned judgment is set aside, the matter is remitted to
the High Court for consideration thereof afresh on merit and the appeal
is allowed in terms of the signed order.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 28 OF 2008
[Arising out of SLP(C) No.3358/2006]

RUKMINIBAI AND ORS.

... APPELLANT(S)

:VERSUS:

BALASHI SIDRAYA NAIK

... RESPONDENT(S)

ORDER

Leave granted.

Having heard the learned counsel for the parties, we are of the opinion that keeping in view the provisions of Article 131 of the Limitation Act the High Court should have disposed of the matter on merit. Accordingly, the impugned judgment is set aside and the matter is remitted to the High Court for consideration of thereof afresh on merit of the matter. The appeal is allowed accordingly.

As the suit was filed in the year 1996, we would request the High Court to consider the desirability of disposing of the matter as expeditiously as possible.

.....J
(S.B. SINHA)

.....J
(V.S. SIRPURKAR)

NEW DELHI,
JANUARY 04, 2008.