

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..... OF 2008  
[ Arising out of SLP [C] No.2051 of 2007 ]

Arundhati @ Harshana

...Appellant

VERSUS

Iranna @ Veerendra

...Respondent

ORDER

- 1. Delay condoned.
- 2. Leave granted.
- 3. This appeal is directed against the judgment and order dated 22nd of September, 2006 of the High Court of Karnataka at Bangalore in MFA No.1741 of 2006, whereby the High Court had dismissed the first appeal which was to be decided on facts and law.

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- 4. A suit was filed by the wife - appellant for divorce on the ground of cruelty and desertion. The suit was dismissed and a first appeal was carried to the High Court. By the impugned judgment the High Court had dismissed the appeal at the admission stage without calling for the records and without admitting it.
- 5. We have heard the learned counsel for the parties and examined the judgments of the High Court as well as of the trial court and other materials on record. In our view the High Court had erred in dismissing the first appeal at the admission stage itself without issuing notice to the respondent and without looking into the evidence and other materials on record and also without considering the propriety of the findings made by the trial court. Accordingly, the judgment of the High Court is set aside and the appeal is remitted back to the High

Court for fresh determination by passing a reasoned order

in accordance with law after serving notice on the respondent and taking into consideration the entire materials on record including the oral and documentary evidence.

3. For the reasons aforesaid, the appeal is allowed to the extent indicated above. There will be no order as to costs.

.....J.  
[ TARUN CHATTERJEE ]

NEW DELHI: .....  
...J.  
FEBRUARY 25, 2008 [ HARJIT SINGH  
BEDI ]

IT E M NO.3 COUR T NO.1 0 S E C T I O N IVA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).2 0 5 1 / 2 0 0 7

(From the judgement and order dated 2 2 / 0 9 / 2 0 0 6 in MFA No. 1 7 4 1 / 2 0 0 6 of  
The  
HIGH C O U R T O F K A R N A T A K A AT B A N G A L O R E )

ARUN DH A T I @ HAR S H A N A Petitioner(s)

VE R S U S

IRA N N A @ VE E R E N D R A Respondent(s)

(With appln(s) for c/delay in filing SL P and prayer for interim relief and office report ))

Date: 2 5 / 0 2 / 2 0 0 8 This Petition was called on for hearing today.

C O R A M :

HON' B L E MR. J U S T I C E TA R U N C H A T T E R J E E  
HON' B L E MR. J U S T I C E H A R J I T S I N G H B E D I

For Petitioner(s) Mr. Girish Anantmu rthy, Adv.  
Mrs. Vijayanthi Girish, Adv.  
Mr. P. P . Singh, Adv.

For Respondent(s) Mr. Malik a r jun S. Mylan, Adv.  
Ms. E. R. Sumathy, Adv.

UPON hearing counsel the Court made the following  
O R D E R

Delay condoned. Leave granted.  
The appeal is allowed in terms of the signed order. There  
will be no order as to costs.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master

(Non- reportable signed order is placed on the file)