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SLP(C)No. 4297 OF 2000

ITEM No.25

Court No. 6

SECTION IVA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.4297/2000

(From the judgement and order dated 18/02/1999 in RFA 146/92
of The HIGH COURT OF KARNATAKA AT BANGALORE)

MANOHAR VITHOBA RAVAN

Petitioner (s)

VERSUS

BALVANT D.RAVAN(DEAD) THR. LRS. & ORS

Respondent (s)

(With prayer for interim relief)

Date : 09/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE N. SANTOSH HEGDE

For Petitioner (s) Mr. Sushil Karanjkar,Adv. for
Dr. Nafis A. Siddiqui,Adv.

For Respondent (s) Mr. S.K. Kulkarni,Adv. for
Mr. Vijay Kumar,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.
.SP2

Leave granted.
The appeal is allowed. There shall be no order
as to costs.

.SP1

(Neelam Kawatra)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

CIVIL APPEAL NO.1147 OF 2001@@
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(Arising out of S.L.P.(C)No. 4297/2000)

Manohar Vithoba Ravan

Appellant (s)

versus

Balvant D. Ravan(Dead) Thr.
L.Rs & Ors.

Respondent (s)

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....T.....J
.SP2

Leave granted.

The plaintiff-appellant filed a suit for partition. The defendants-respondents filed a written statement wherein it was alleged that the partition has already been effected by an earlier family arrangement. The trial Court dismissed the suit. The appellant thereafter preferred a first appeal before the High Court. The High Court, without considering the other issues involved in the appeal, dismissed the appeal merely on the ground that Ex. D-22 shows that there was already a family arrangement. Since we find that there are other questions which are required to be decided by the High Court, have not been decided, the judgment under challenge is not sustainable. We, therefore, set aside the judgment passed by the High Court and send the case back to the High Court for deciding the appeal afresh on merits.

The appeal is allowed. There shall be no order as to costs.

.SP1

.....J
(V.N. Khare)

New Delhi,
February 09, 2001.

.....J
(N. Santosh Hegde)