

ITEM NO.117

COURT NO.6

SECTION IVA

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

CIVIL APPEAL NO(s). 9653 OF 2003

RAYAPPA DEVENDRAPA VANAGOL(D) BY LRS & ORS Appellant (s)

VERSUS

STATE OF KARNATAKA & ORS. Respondent(s)

(With office report)

Date: 12/08/2010 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s) Mr. R.S. Hegde, Adv.
Mr. Amit Wadhwa, Adv.
Mr. Chandra Prakash Tyagi, Adv.
Mr. P.P. Singh, Adv.

For Respondent(s) Mr. Krutin R. Joshi, Adv. for
Mr. Sanjay R. Hegde, Adv.

Ms. Kiran Suri ,Adv
Mr. S.J. Amith, Adv.

Mrs K.Sharda Devi ,Adv.

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

The impugned judgment of the High Court is set aside
and the matter is remanded back to the Division Bench of the
High Court for a fresh decision expeditiously in accordance
with law.

The Appeal is allowed. No costs.

(Rajesh Dham)
Court Master

(Indu Satija)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(s). 9653 OF 2003

RAYAPPA DEVENDRAPA VANAGOL(D) BY LRS & ORS Appellant (s)

VERSUS

STATE OF KARNATAKA & ORS. Respondent(s)

O R D E R

Heard the learned counsel for the parties.

This Appeal, by special leave, has been filed against the impugned judgment of the High Court of Karnataka dated 09.07.2002.

The facts of the case have already been detailed in the impugned judgment and hence we need not to repeat them here.

The Division Bench of the High Court in the impugned judgment has set aside the judgment of the learned single Judge and that of the Land Tribunal. The learned single Judge and the Land Tribunal have recorded findings of fact that the appellants were tenants and were in possession of the property in question. However, the Division Bench of the High Court has reversed that finding.

CIVIL APPEAL NO(s). 9653 OF 2003

We are of the opinion that the Division Bench of the High Court has not carefully examined several aspects of the matter, including whether an appeal had been filed against the order passed by the learned IInd Additional Munsiff, Gokak dated 26.07.1971 and whether those proceedings had abated.

Hence, the impugned judgment of the High Court is set aside and the matter is remanded back to the Division Bench of the High Court for a fresh decision expeditiously in accordance with law.

The Appeal is allowed accordingly. No costs.

.....J.
(MARKANDEY KATJU)

.....J.
(T.S. THAKUR)

AUGUST 12, 2010.