

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). 1300-1301/2008

KANNA TIMMA KANAJI MADIWAL (D) THR. LR.

Appellant(s)

VERSUS

RAMACHANDRA TIMMAYA HEGDE (D) THR. LRS . & ORS.

Respondent(s)

Date : 24-08-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Appellant(s)

Mr. S. N. Bhat, AOR

Mr. D.P. Chaturvedi, Adv.

Mr. Ravi Panwar, Adv.

For Respondent(s)

Mr. Rajesh Mahale, AOR

Mr. Krutin R. Joshi, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The Land Tribunal No. 1, Siddapur has recorded in Case No. TNC-DSR-988-5563-4885-7524, Siddapur dated 22.09.1981 that the appellant - Kanna Timma Kanaji Madiwal made a statement that his father - Timma Kanna Kunaji (who is now dead), two brothers, mother and himself were the legal representatives of his father; that they have not been cultivating the portion of land in Survey No. 81 measuring 0-30-0 that fell to the share of his elder uncle, Survey No. 82-1 measuring 1-30-0 and Survey No. 69-4 measuring 1-10-0; that they were not tenants in respect of Survey No. 95 and that the occupancy rights in respect of the portion that fell to his father in Survey No. 81 measuring 0-30-0 may be given to them collectively.

It is stated by learned counsel for the appellant that no such statement was made and that in a writ petition filed against the decision of the Tribunal, it was specifically averred that no such statement was made by the appellant.

This is disputed by learned counsel for the respondents who says that the statement made by the appellant has been reduced to writing to the best of his knowledge and therefore it is not correct to say that the recording by the Tribunal was not justified.

The only way to sort out this controversy is to requisition of records of the case from the Land Tribunal.

The Registry will communicate to Land Tribunal No.1, Siddapur to send the aforesaid case records for perusal.

List after receipt of the case records.

(MEENAKSHI KOHLI)
COURT MASTER (SH)

(SHAKTI PARKASH SHARMA)
ASST.REGISTRAR