

H
SLP(C)No. 4145 OF 2001

ITEM No.43

Court No. 1

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.4145/2001

(From the judgement and order dated 13/02/2001 in CRP 2294/98
of The HIGH COURT OF KARNATAKA AT BANGALORE)

DEVADAS KARKERE (D) BY L.Rs.

Petitioner (s)

VERSUS

RAMACHANDRAN PUTHRAN & ORS.

Respondent (s)

(With prayer for interim relief)

Date : 28/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH

For Petitioner (s) Mr. S.N. Bhat,Adv.

For Respondent (s) Mr. P. Krishnamoorthy,Sr.Adv.
Mr. Romy Chacko,Adv.

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

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Leave granted.

The civil appeal is ordered.

No order as to costs.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No. 757 of 2002@@

Devadas Karkere (D) by L.Rs. ...Appellant (s)

Versus~

Ramachandran Puthran & Ors.Respondent (s)

O R D E R@@
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Leave granted.

The courts below had declined to give the respondents-plaintiff interim relief. The High Court, by the order under challenge, reversed the courts below and granted interim relief. There is little, if any, reason for the grant of the interim relief beyond the statement in the order under challenge that it was "appropriate to grant an injunction pending the disposal of the case before the trial court in the interest of both the parties".

We do not think that appropriate consideration has been given to the grounds which weighed with the courts below to decline an interim injunction and, therefore, it is appropriate to set aside the order under challenge and restore the civil revision petition (No.2294 of 1998) to the file of ...2/-

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the High Court to be heard and disposed of afresh in a manner consonant with the functions of the High Court in this behalf.

Order accordingly.

No order as to costs.

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.....J.@@
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(Shivaraj V. Patil)@@
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.....J.@@
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(Bisheshwar Prasad Singh)@@
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