

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(s).16226/2013

(From the judgement and order dated 10/12/2012 in RSA No.299/2004 of The HIGH COURT OF KARNATAKA CIRCUIT BENCH AT DHARWAD)

PANDAPPA

Petitioner(s)

VERSUS

VENKAPPA HANAMAPPA GOURI (D) BY LRS. &OR

Respondent(s)

(With appln(s) for exemption from filing O.T. and prayer for interim relief and office report)

Date: 23/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE

For Petitioner(s) Mr. Anil V. Katarki, Adv.
For Ms. E.R. Sumathy, Adv.

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

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

The counsel appearing for the petitioner submitted that although the decree passed in his favour by the trial court has been set aside by the first appellate court and upheld in the second appeal, he has not been allotted his adequate share in the property and has also been deprived of the land in question for which he had filed a suit for declaration in the trial court.

However, Mr. S.N. Bhat, counsel appearing for respondent No.1(c), 3 and 4, has submitted that the petitioner has already been allotted a share in the family partition but over and above that, he filed a suit for declaration claiming the suit property which apparently do not get established from the judgment and order passed by the first appellate court.

We deem it appropriate to issue notice in the aforesaid circumstances.

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Mr. S.N. Bhat, counsel is appearing on behalf of respondent Nos. 1(c), 3 and 4, hence notice on him be dispensed with.

Let notice be issued to other respondents.

Status quo as obtaining today shall remain effective until further orders.

|(Neetu Khajuria)

|(S.S.R. Krishna)

|Sr.P.A.

|Court Master

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