

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No(s).11546/2005

(From the judgement and order dated 08/11/2004 in
of The HIGH COURT OF KARNATAKA AT BANGALORE)

WA No. 6953/2003

K. PURUSHOTHAMA BHAT

Petitioner(s)

V E R S U S

A. NARAYANA BHAT & ORS.

Respondent(s)

(With prayer for interim relief and office report)

Date: 06/11/2009

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR

HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s)

Mr. B. Vishwanath Bhandarkar, Adv.
Mr. B.S. Sharma, Adv. for
Mr. V.N. Raghupathy, Adv.

For Respondent(s)

Mr. G.V. Chandrashekar, Adv.
Ms. Anjana Chandrashekar, Adv.

Mr. Sanjay R. Hegde ,Adv

UPON hearing counsel the Court made the following

O R D E R

Leave granted.

The appeal stands disposed of in terms of signed
order.

(Pardeep Kumar)
Court Master

(Shashi Bala Vij)
Court Master

[SIGNED ORDER IS PLACED ON THE FILE]
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7411 OF 2009

[ARISING OUT OF S.L.P.(C) NO. 11546 OF 2005]

K. PURUSHOTHAMA BHAT

...APPELLANT

V E R S U S

A. NARAYANA BHAT & OTHERS

....RESPONDENTS

O R D E R

1. Leave granted.

2. We have heard learned counsel appearing for the

parties and gone through the record.

3. In our opinion, the Division Bench, in an writ appeal, should not have decided the matter on merits and that should have been left to the learned Single Judge. We, therefore, set-aside the impugned judgment passed by the Division Bench and remand the matter to the learned Single Judge for adjudication afresh on merits. We make it clear that the learned Single Judge shall decide the case without being influenced by any observation made by this Court or by the Division Bench on the merits of this case.

4. The Appeal stands disposed of accordingly. However, there shall be no order as to the costs.

.....J.
[V.S. SIRPURKAR]

.....J.
[Dr. B.S. CHAUHAN]

NEW DELHI
NOVEMBER 6, 2009.