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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 6055 OF 2017
(Arising out SLP (C) No. 13454 of 2013)
MUTHURAYAPPA (D) BY LRS. Petitioner(s)
VERSUS
B UMAPATHY Respondent(s)
O R D E R
1) Leave granted.
2) We have heard the learned counsel appearing for the parties at length.
3) It appears that the High Court, without considering the materials on record and even after raising the substantial question of law, did not take any note of the same proceeded in the matter.
4) On the contrary, the High Court dealt with the matter on the different grounds and came to the conclusion.
5) In our opinion, it is the duty of the High Court first to deal with the issues raised by it in second appeal and thereafter to answer the same.
6) In view of this, we find that the order passed by the High Court cannot be accepted or held sustainable in the eyes of law. Accordingly, the order so passed by the High Court is set aside and we remand the matter to the High Court for hearing the same afresh, after affording an opportunity of hearing to both the

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parties.
7) The appeal is disposed of on the above terms.
..... J.
(PINAKI CHANDRA GHOSE)
..... J.
(MOHAN M. SHANTANAGOUDAR)
New Delhi;
April 28, 2017.

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ITEM NO.35 COURT NO.5 SECTION IVA
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 (C) No(s). 13454/2013
(Arising out of impugned final judgment and order dated 13/03/2012 in RSA No. 1509/2005 passed by the High Court Of Karnataka At Bangalore)
MUTHURAYAPPA (D) BY LRS. Petitioner(s)
VERSUS
B UMAPATHY Respondent(s)
(with appln. (s) for permission to file additional documents and interim relief and office report)
Date : 28/04/2017 This petition was called on for hearing today.
CORAM :
HON'BLE MR. JUSTICE PINAKI CHANDRA GHOSE
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
For Petitioner(s) Mrs. Vaijayanthi Girish, AOR

For Respondent(s) Mr. Anand Sanjay M. Nuli, Adv.
Mr. Dharm Singh, Adv.
For M/s. Nuli & Nuli

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

Leave granted.
The appeal is disposed of in terms of the signed order.
Pending application(s), if any, stand(s) disposed of.
(R. NATARAJAN) (SNEH LATA SHARMA)
Court Master Court Master
(Signed order is placed on the file)