

° ITEM NO.5

COURT NO.6

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 (Civil) No(s).8540/2008

(From the judgement and order dated 11/12/2007 in
of The HIGH COURT OF KARNATAKA AT BANGALORE)

WA No. 7177/2003

S.NAGARATHNA

Petitioner(s)

VERSUS

BANGALORE DEVELOPMENT AUTHORITY & ANR.

Respondent(s)

(With office report)

Date: 29/04/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MARKANDEY KATJU
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. G.V.Chandrashekar, Adv.
Mr. N.K.Verma, Adv.for
Ms.Anjana Chandrashekar,Adv.

For Respondent(s) Mr. M.Gireesh Kumar, Adv.for
Mr. Vijay Kumar,Adv.
Mr. Gautam Narayan ,Adv

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

Leave granted.

The Appeal is allowed. No costs.

(Parveen Kr. Chawla)
Court Master

(Indu Satija)
Court Master

[signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 3778 OF 2011
(Arising from SLP(C) No.8540/2008)

S.Nagarathna

versus

..Appellant

Bangalore Development Authority & Anr.

..Respondents

O R D E R

Leave granted.

Heard learned counsel for the parties.

This Appeal has been filed against the impugned judgment and order dated 11th December, 2007 passed by the High Court of Karnataka at Bangalore in W.a. No. 7177 of 2003.

The facts have been set out in the impugned order and hence we are not repeating the same here.

On the facts of the case, we direct the respondent No.1 to refund the amount deposited by the appellant along with interest at the rate of six per cent within two months from the date of production of a copy of this order. The impugned order of the Division Bench is set aside and the order of the learned Single Judge is restored. However, we make it clear that the impugned order of the learned Single Judge shall not operate as a precedent.

The Appeal is allowed accordingly. No costs.

.....J.
[MARKANDEY KATJU]

NEW DELHI;J.
APRIL 29, 2011 [GYAN SUDHA MISRA]