

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.7840 OF 2012
(Arising out of SLP(C)No.9186 OF 2006)

T.K. CHANNAMAREGOWDA (D)BY LRS.

.....APPELLANTS

VERSUS

KN. NANJUNDA SETTY (D) BY LRS.AND ANOTHER

.....RESPONDENTS

O R D E R

Leave granted.

This appeal is directed against order dated 03.01.2006 by which the Division Bench of the Karnataka High Court held that the writ appeal filed by the appellants against the order passed by the learned Single Judge in a petition filed both under Articles 226 and 227 of the Constitution is not maintainable.

For arriving at the aforesaid conclusion, the Division Bench of the High Court relied upon the judgment of the Full Bench of that Court in Gurushanth Pattedar vs. Mahaboob Shahi Kulburga Mills and Anr. ILR 2005 Karnatka 2503.

Ms.Kiran Suri, learned counsel for the appellants invited our attention to the judgment of the Seven Judges Bench of the High Court in Tammanna D.Battal and Ors. vs. Ms.Renuka R.Reddy and Ors.AIR 2009 Karnatka 119 whereby it was held that writ appeal against an order passed by the learned Single Judge in exercise of power under Articles 226 and/or 227 of the Constitution is maintainable.

In view of the judgment of the larger Bench of the High Court, we hold that the writ appeal filed by the appellant was maintainable and dismissal thereof is legally unsustainable.

The appeal is accordingly allowed, the impugned order is set aside and the matter is remitted to the High Court for deciding the writ appeal on merits.

.....J.
(G.S.SINGHVI)

.....J.

(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI;
NOVEMBER 6, 2012.

ITEM NO.4

COURT NO.4

SECTION IVA

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).9186/2006

(From the judgement and order dated 10/12/2003 in WP No.38774/2002 and judgment and order dated 03/01/2006 in WA No.1562/2004 of The HIGH COURT OF KARNATAKA AT BANGALORE)

T.K. CHANNAMAREGOWDA (D) BY LRS.

Petitioner(s)

VERSUS

K. NANJUNDA SETTY (D) BY LRS.& ANR.

Respondent(s)

(With appln(s) for permission to file additional documents and office report)
(For final disposal)

Date: 06/11/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Ms. Kiran Suri, Adv.

For Respondent(s) Mr.Kabir Dixit, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

(Satish K.Yadav)

(Phoolan Wati Arora)

Court Master

Court Master

(Signed order is placed on the file)