

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 3739-3740 OF 2005

GOWRAMMA & ORS.

Appellant (s)

VERSUS

STATE OF KARNATAKA & ORS.

Respondent(s)

(With office report)

WITH CRIMINAL APPEAL NO.873 OF 2005

Date: 10/08/2011 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE P. SATHASIVAM

HON'BLE DR. JUSTICE B.S. CHAUHAN

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

in CrI.A.No.873/05 Mr. P.S. Narasimha, Sr.Adv.
Mr. R. Anand Padmanabhan, Adv.
Mr. Prithvi Raj B.N., Adv.
Mr. S.J. Naveen, Adv.
Mr.Plato Aristotle, Adv.
Mr. Pramod Dayal ,Adv

For Respondent(s) Mr. V.N. Raghupathy, Adv.

Mr. P.S. Narasimha, Sr.Adv.
Mr. R. Anand Padmanabhan, Adv.
Mr. Prithvi Raj B.N., Adv.
Mr. S.J. Naveen, Adv.
Mr.Plato Aristotle, Adv.
Mr. Pramod Dayal ,Adv

Mr. S.N. Bhat, Adv.

UPON hearing counsel the Court made the following

O R D E R

C.A.Nos.3739-3740/2005:

The civil appeals are disposed of.

CrI.A.No.873/2005:

The criminal appeal is dismissed as abated.
Interim order dated 28/3/2005 shall stand
vacated.

[Usha Bhardwaj]
Court Master

[Savita Sainani]
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL APPELLATE JURISDICTION

CIVIL APPEAL NO.3739-3740 OF 2005

Gowramma & Ors.

...Appellant(s)

Versus

State of Karnataka & Ors.

...Respondent(s)

WITH

CRIMINAL APPEAL NO.873 OF 2005

O R D E R

CIVIL APPEAL Nos.3739-3740/2005:

Heard both sides.

On going through the relief prayed for in the writ petition, factual details stated therein and the consequential orders of the learned Single Judge as well as the Division Bench of the High Court, we are of the view that the proper remedy for the appellants is to approach the Civil Court to vindicate their grievance. On this ground without expressing any opinion on merits, we dispose of the appeals with liberty to the appellants to move the Civil Court.

It is made clear that inasmuch as proper forum for the parties is a Civil Court, certain observations made by the learned Single Judge as well as the Division Bench on

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merits of the claim shall not stand in the way of competent Civil Court in deciding the claims of the parties in accordance with law. The respective parties are free to putforth and establish their case subject to the law applicable to their claims.

The appeals are disposed of accordingly.

CRIMINAL APPEAL NO.873 OF 2005:

It is reported that the sole appellant is no more.

In view of the same, the appeal is dismissed as abated.

Interim order dated 28th March, 2005 shall stand vacated.

.....J.
(P. SATHASIVAM)

.....J.
(Dr.B.S. CHAUHAN)

New Delhi,
August 10, 2011.