

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)...../2013
CC 6109/2013

(From the judgement and order dated 16/11/2012 in RFA No.1654/2012, of The
HIGH COURT OF KARNATAKA AT BANGALORE)

M/S KAMATH TOURISTS

Petitioner(s)

VERSUS

ADINATH JAIN SHWETHAMBAR TEMPLE & ORS.

Respondent(s)

(For permission to file SLP without c/copy as well as plain copy of the
impugned order and exem. from filing c/copy as well as plain copy of the
impugned orer)

Date: 08/03/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Ms. Anitha Shenoy,Adv.

For Respondent(s)

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

Learned counsel for the petitioner submits that the petitioner has applied for a copy of the judgment passed by the High Court dismissing RFA No. 1654 of 2012 but the same has not yet been issued in its favour. She submits that the Executing Court has in the meantime issued a delivery warrant in favour of the decree holder and against the occupants on 28.02.2013. She contends that unless the petitioner is protected against dispossession, the present appeal may become infructuous.

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In the circumstances, we direct issue of notice to respondent No. 1 decree holder only subject to the petitioner depositing a sum of Rs. 10,00,000/- (Rupees Ten lakhs only) before the Executing Court towards security of costs and/mesne profits etc. within one week from today. Dispossession of the petitioner from that part of the property which it claims to be in possession of shall remain stayed unless of course the warrants have already been executed and possession of the disputed property delivered to the decree holder.

| (Shashi Sareen)
| Court Master

| | (Sneh Lata Sharma)
| | Court Master

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