

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).7751/2006

(From the judgement and order dated 30/11/2005 in FA No. 245/2005 & FA No.1134/2005 of The HIGH COURT OF KARNATAKA AT BANGALORE)

M/S. ROYAL ORCHID HOTELS LTD.

Petitioner(s)

VERSUS

ERAMMA & ORS.

Respondent(s)

(With appln(s) for exemption from filing OT and with prayer for interim relief and office report)

Date: 27/07/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE V.S. SIRPURKAR

For Petitioner(s) Mr. Arun Jaitley, Sr. Adv.
Mr. S.S.Naganand, Sr. Adv.
Mr. Rajesh Mahale, Adv.
Mr. Raghavendra S.Srivatsa, Adv.
Mr. K.N.Manjunath, Adv.

For Respondent(s) Mr. G.V.Chandrashekar, Adv. for
Ms.Anjana Chandrashekar, Adv.

UPON hearing counsel the Court made the following
ORDER

Leave granted.

The Appeal is disposed of in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Neeru Bala Vij)
Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No. 3314 of 2007
(Arising out of SLP(C) No.7751/2006)

M/s Royal Orchid Hotels Ltd.

.....Appellant

- Versus -

Eramma & Ors.
Respondents

.....

ORDER

Leave granted.

Appellant-plaintiff filed a suit against the respondents-
defendants restraining the defendants from interfering with
the possession of the appellant in the suit property.

Trial Court granted the injunction, aggrieved against
which the respondents filed an appeal in the High Court. The
High Court while maintaining that the appellant could not be
dispossessed allowed the appeal by observing thus:

"...that the form of the suit was patently
inconsistent with the title deed, under which
the respondent claimed possession and this
patently requires to be rectified."

Aggrieved by the above-mentioned observation of the
High Court, appellant has come up in appeal , by grant of
special leave.

Heard counsel for the parties.

We dispose of the appeal by directing that the
observations made by the High Court regarding inconsistency
in the claimed suit land and the land which had been
conveyed by the municipal corporation in favour of the
appellant, shall not come in the way of the trial court while
deciding the suit on merits. Evidence is yet to be lead by the
parties and such a finding should not have been recorded at
this stage of the suit. Observations made by the High Court
are set aside.

During the pendency of the proceedings before the trial
court, the injunction granted by the trial court and
maintained by the High Court shall continue. Trial Court
shall proceed to decide the suit in accordance with law
without being influenced by the observations made by the
High Court or in this order. All contentions are left open. No
costs.

.....J.
(ASHOK BHAN)

.....J.
(V.S. SIRPURKKAR)

New Delhi;
July 27, 2007