

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 4578 OF 1999

G.L.Lingaraje Urs.  
.Appellant

.....

VERSUS

Venkataiakshamma & Ors.

.....Respondents

O R D E R

In the present appeal notice was issued limited to the question as to whether Exhibit P-3 "sale deed" was hit by the provisions of Section 6 of the Karnataka Prevention of Fragmentation and Consolidation of Holdings Act, 1966 (hereinafter referred to as 'the Act').

On the perusal of the judgment under appeal we find that this point had not been raised before the High Court. Counsel for the appellant in the civil appeal has not asserted that the said point was argued before the High Court and the High Court failed to take notice of the same. This point has not been taken as a ground in the appeal. Since this point was not argued

before the High Court and has not been raised in this Court, counsel for the appellant cannot be permitted to raise this point. It would be unfair to the High Court to set aside its judgment on a point which was not argued before it. The appeal is accordingly dismissed with no order as to costs.

.....J.  
( ASHOK BHAN )

.....

.....J.  
( S.H.KAPADIA )

.....

NEW DELHI;  
JULY 28, 2004

Item No.106 Court No.10 Section IVA

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

Civil appeal Nos.4578 of 1999

G.L.Lingaraje Urs.

Appellant(s)

VERSUS

Venkataiakshamma & Ors.

Respondent (s)

( With office report )

Date : 28/07/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN  
HON'BLE MR. JUSTICE S.H. KAPADIA

For Petitioner (s)

Mr. Naveen R. Nath, adv.  
Ms. Anitha Shenoy, Adv.

Mr. S. Ravindra Bhat, Adv.

For Respondent (s)

Mr. P.R. Ramasesh, Adv. Ms. Vandana Jalan, Adv.

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

The appeal is dismissed in terms of the signed order.

No costs.

( Satish K. Yadav ) ( Kanwal Singh )  
Court Master Court Master

( Signed order is placed on the file )