

SLP(C)No. 15215 OF 2000

ITEM No.48

Court No. 2

SECTION IVA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.15215/2000

(From the judgement and order dated 30/09/1999 in RSA 693/98
of The HIGH COURT OF KARNATAKA AT BANGALORE)

CHIKKANARASIMHAREDDY & ANR.

Petitioner (s)

VERSUS

E.M. NARASIMHAREDDY & ORS.

Respondent (s)

(With prayer for interim relief)

(With Appln(s). for c/delay in filing SLP and appln. for c/delay in
refiling SLP)

Date : 19/02/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. P.R. Ramasesh,Adv.

For Respondent (s) Mr. Naresh Kumar,Adv.

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

.....L.....I..T.....T.....T.....T.....T.....T.....T.....T.....J

Delay condoned.

Leave granted.

The civil appeal is allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

Civil Appeal No.1345 of 2001@@
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(Arising out of S.L.P. (C) No.15215 of 2000)

Chikkanarasimhareddy & Anr. ...Appellant (s)

Versus~

E.M. Narasimhareddy & Ors.Respondent (s)

O R D E R@@

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....L.....I.....T.....T.....T.....T.....T.....T.....T.....T.....J

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Delay condoned.

Leave granted.

By the order under challenge, the second appeal was allowed. We are not satisfied that there has been due consideration of the second appeal within the constraints of law. The question of law that was framed by the learned Judge who decided the second appeal, almost at the end of his judgment, appears to us to be more a question of fact.

We think that it is appropriate, in the circumstances, to set aside the order under challenge and restore the second appeal (R.S.A.No. 693 of 1998) to the file of the High Court to be heard and disposed of afresh, expeditiously.

The civil appeal is accordingly allowed.

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Pending the disposal of the second appeal by the High Court, the status quo as to possession shall be maintained.

No order as to costs.

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.....J.

(S.P. Bharucha)@@

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.....J.

(Y.K. Sabharwal)@@

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New Delhi,
February 19, 2001.