

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). 6963 OF 2004

M. CHANNAPPA (DEAD) THROUGH LRS.

Appellant (s)

VERSUS

P.V. LINGAIAH & ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., directions, impleadment and prayer for interim relief and office report)

Date: 09/02/2010

This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE T.S. THAKUR

For Appellant(s)

Mr. Basava Prabhu S Patil, Sr. Adv.  
Mr. Ajay Kumar M., Adv.  
Mr. B subrahmanya Prasad, Adv.  
Mr. V.N. Raghupathy, Adv.

For Respondent(s)  
rrs. 2-3

Mr. Shanth Kr. V. Mahale, Adv.  
Mr. Harisha S.R., Adv.  
Ms. Abha Jain, Adv.

rr.1

Mr. Jaspal Singh, Sr. Adv.  
Mrs. S. Usha Reddy, Adv

For impleading  
party

Mr.G.V. Chandrashekar, Adv.  
Mr. N.K. Verma, Adv.  
Ms.Anjana Chandrashekar, Adv

UPON hearing counsel the Court made the following

O R D E R

Pursuant to our order dated 1st September, 2009, Registrar General, High Court of Karnataka has submitted his report dated 28th October, 2009. Along with the report, a sketch showing details and measurements of property Nos. 231/167 and 167/2, ..2/-

: 2 :

situated on 24th 'B' Cross Road, Karisandra, Banashankari II State, Bangalore, has been filed. The schedule of both the sites has also been mentioned on the said sketch, which reads as follows :

PROPERTY No. 231/167

Property No. 231/167 is in the name of L.Suresh, S/o P.V. Lingaiah.

Schedule of site

North by + 24th "B" cross road  
South by + Private property bearing No. 166/2  
East by + Property bearing No. 167/2  
West by + 1st main road

Measurement of site

North to South ÷ 35'0"  
East to West ÷ 14'8"

PROPERTY NO. 167/2

Property No. 167/2 is in the name of H.P. Uday  
Kumar S/o Prabakar

Schedule of Site

North by ÷ 24th 'B' cross road  
South by ÷ portion of private property bearing  
No. 166/2 and private property No. 166/1

East by ÷ property No. 2038/167/1  
West by ÷ property No. 231/167

Measurement of Site

East to West ÷ 17'0"  
North to South

East side 37'0"  
West side 35'0"

..3/-

: 3 :

The stand of Mr. Patil, learned senior counsel appearing on behalf of the appellants, is that the properties described in the above schedule formed part of the subject property with its old No. 2038(a), as recorded in the schedule to the decree passed by the Small Causes Judge, Bangalore on 8th March, 1996. However, this fact is not borne out from the report of the Ld. Registrar.

Under the circumstances, we request the Registrar General to verify from the records of the Bruhat Bangalore Mahanagara Palike whether the two property numbers mentioned in the sketch, referred to above, viz. 231/167 and 167/2 are new numbers of the old site No. 2038(a), 24th 'B' Cross Road, Karisandra, Banashankari II State, Bangalore. The report shall be submitted within four weeks.

List the matter immediately thereafter.  
Respondent Nos. 1 to 3 shall remain personally present in Court on the next date.

[ Charanjeet Kaur ]  
Court Master

[ Pushap Lata Bhardwaj ]  
Court Master