

SLP(C)No. 10476 OF 2000

ITEM No.42

Court No. 5

SECTION XIA
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.10476/2000

(From the judgement and order dated 25/05/2000 in SA 266/2000
of The HIGH COURT OF KERALA AT ERNAKULAM)

P.NARASIMHA BHAT

Petitioner (s)

VERSUS

B. SHANKARANAYANA RAO & ORS.

Respondent (s)

(With prayer for interim relief)
(With office report)

Date : 03/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MR. JUSTICE DORAISWAMY RAJU

For Petitioner (s) Mr. TLV Iyer, Sr.Adv.
Ms. Astha Tyagi, Adv.
Mr. SN Jha, Adv.
Mr. Subramonium Prasad.,Adv.

For Respondent (s) Mr. K.R. Nambiar,Adv.

Mr. K.M.K. Nair,Adv.

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

.....L.....I.....T.....T.....T.....T.....J
Leave granted.

The appeal is disposed of. There shall be
no order as to costs.

(Alka Dudeja)
Court Master

(S.Krishnan)
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 2566 OF 2001
(Arising out of Special Leave Petition @ No. 10476/2000)

P.Narasimha Bhat .. Appellant

-versus-

B. Shankaranarayana Rao & Ors. .. Respondents

O R D E R

Leave granted.

The appellant herein brought a suit in the court of Munsiff, Kasaragod, for declaration that the resolution dated 30th June, 1996 is invalid and unsustainable. The said suit was decreed. However, the first appeal filed by the defendant-respondents was allowed and the suit was dismissed. The second appeal filed by the appellant herein before the High Court came to be dismissed. It is against the said judgment the appellant filed a special leave petition.

This Court while entertaining the special leave petition passed the following order:

Notice is issued restricted to expunging the remarks noted down in resolution dated 30th June, 1996 .

The question, therefore, is whether the remarks The managing trustee has not discharged his duties and has caused harm to the interest of the trust appearing in the resolution dated 30th June, 1996 be expunged.

We have heard learned counsel for the parties. On perusal of the record we find that the appellant herein was not given an opportunity in respect of the allegation attributed to him. We further find that there was no warrant for other trustees in meeting held on 30th June, 1996 to record the aforesaid remarks against the appellant herein. We, therefore, set aside the remarks extracted hereinbefore. The validity of rest of the resolution is affirmed. The appeal is disposed of in the aforesaid terms. There shall be no order as to costs.

& & & & & & & .J.
(V.N.Khare)

& & & & & & & .J.
(Doraiswamy Raju)

New Delhi;
April 03, 2001