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SLP(C)No. 13128 OF 2000

ITEM No.202

Court No. 7

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.13128/2000

(From the judgement and order dated 22/06/2000 in CRP 1367/00
of The HIGH COURT OF KARNATAKA AT BANGALORE)

SRINIVASA REDDY

Petitioner (s)

VERSUS

KUBER SINGH & ORS.

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 14/12/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr.Rajesh Mahale,Adv.

For Respondent (s) M/s SK Kulkarni,M.Gireesh Kumar,Advs.
Mr.Khwairakpam Nobin Singh,Adv.

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

.....L.....I..T.....T.....T.....T.....T.....T.....J..T....R
.SP2

Leave is granted.

The appeal is allowed in terms of the signed
order. No costs.

.SP1

[Naresh Kumar]
Court Master

[Kanwal Singh]
Court Master

[Signed order is placed on the file.]

.PA

.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp

L.....T.....T.....T.....T.....T.....T.....T.....T.....T....R
.....L.....T.....T.....T.....T.....T.....T.....T.....T.....T....R

.PL55

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8158 OF 2001@@
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[Arising out of SLP(C) 13128/2000]

Srinivasa Reddy ...Appellant

Vs.

Kuber Singh & Ors. ...Respondents

O R D E R@@
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L....L....I....T.....T.....T.....T.....T.....T.....T.....J....R
.SP2

Heard the learned counsel for the parties.
Leave is granted.

This appeal is directed against the order of the High Court of Karnataka at Bangalore in CRP No.1367/2000 dated 22nd June, 2000.

The controversy in this appeal relates to amendment of the written statement. The trial court permitted the amendment of the written statement to raise counter claim by its order dated 23rd March, 2000 passed in the suit. In revision petition filed against the said order before the High Court the following order was passed:-

.SP1

"Heard.
2.No grounds.
3.The petition stands dismissed."

.SP2

In the view we have taken we do not consider it necessary to advert to the various aspects relating to the amendment of the written statement by raising a counter claim. Suffice it to say that the High Court has not considered the issues raised before it and dismissed the

revision by passing the above said order. We think it appropriate to set aside the order under challenge, send the matter back to the High Court to decide the revision on merits after hearing both the parties. The appeal is accordingly allowed. No costs.

.SP1

.....J.
[SYED SHAH MOHAMMED QUADRI]

New Delhi,
December 14, 2001.@@
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.....J.
[S.N. VARIAVA]