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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
I.A. NO.7 OF 2011  
IN  
CIVIL APPEAL NO(s). 1685 OF 2006

STATE OF KARNATAKA AND ORS.

APPELLANTS

VERSUS

ISLAMIC MISSION OF INDIA & ANR.

RESPONDENTS

O R D E R

1. Interlocutory Application No.7 of 2011 has been filed by Appellants/State for restoration of Civil Appeal No.1685 of 2006, dismissed on 15.11.2011 by this Court for want of prosecution.

2. Having heard the learned counsel for Appellants/State and learned Senior Counsel Mr. Ashok K. Srivastava for Respondents and after perusal of the said Interlocutory Application, we find that good and sufficient grounds have been made out for restoration of the Civil Appeal No.1685 of 2006.

3. Accordingly, Interlocutory Application No.7 of 2011 is allowed. The order dated 15.11.2011 dismissing the Appeal for want of prosecution is recalled and the Appeal is restored to its original number.

4. Having heard the learned counsel for Appellants/State and learned Senior Counsel Mr. Ashok K. Srivastava for Respondents and after perusal of the record, we are of the considered opinion that no case is made out to interfere with against the impugned order passed by Division Bench of the High Court of Karnataka at Bangalore in Writ Petition No.37487 of 2003 decided on 30.03.2005.

5. Learned Senior Counsel Mr. Ashok K. Srivastava for Respondents contended that vires of Section 27A of Karnataka Societies Registration Act 1960 (for short 'the Act of 1960') was challenged in the High Court of Karnataka but it has been held to be ultra vires. It was also contended that the Respondent/Society was taken over on 11.08.2003 and under section 27A of the Act of 1960, the takeover could not have been for more than four years. The period of four years has expired long time back.

6. In the light of the aforesaid submissions, we are of the considered opinion that even otherwise the Appeal has been rendered infructuous. We, accordingly, dismiss the Appeal as such. All consequences to follow thereof. Parties to bear respective costs.

.....J  
[Deepak Verma]

.....J  
[K. S. Radhakrishnan]

New Delhi;  
July 17, 2012.  
ITEM NO.2

COURT NO.9

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS  
I.A. NO.7 OF 2011  
IN  
CIVIL APPEAL NO(s). 1685 OF 2006

STATE OF KARNATAKA AND ORS.

Appellant (s)

VERSUS

ISLAMIC MISSION OF INDIA & ANR.

Respondent(s)

(For recalling the court's order dated 15.11.2011 and office report)

Date: 17/07/2012 This Application/Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA  
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Appellant(s) Mr. V.N. Raghupathy, Adv.

For Respondent(s) Mr. Ramesh Babu M.R., Adv.

Mr. Ashok K. Srivastava, Sr. Adv.  
Mr. Vinay Kumar, Adv.  
Mr. K.S. Rana, Adv.  
Ms. Sangeeta Kumar, Adv.  
Mr. Javed Warsi, Adv.

Ms. K. V. Bharathi Upadhyaya ,Adv

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

Interlocutory Application No.7 of 2011 is allowed in terms of the signed order. The order dated 15.11.2011 dismissing the Appeal for want of prosecution is recalled and the Appeal is restored to its original number.

This Appeal is dismissed, as having become infructuous, in terms of the signed order.

(Sanjay Kumar-II)	Court	(S.S.R. Krishna)	
Master		Court Master	

[Signed Order is placed on the file]