

<"

SLP(C)No. 15793 OF 2000

ITEM No.32

Court No.10

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.15793/2000

(From the judgement and order dated 30/06/2000 in CP 663/2000
of The HIGH COURT OF KARNATAKA AT BANGALORE)

R. PARAMASIVAN & ANR.

Petitioner (s)

VERSUS

T. ANUSUYA

Respondent (s)

(With prayer for interim relief)

Date : 16/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr.Raghavendra S.Srivatsa,Adv.,
Mr. R.C. Kohli,Adv.

For Respondent (s)

Mr.G.V. Chandrashekhar,Adv.,
Mr. P.P. Singh,Adv.

UPON hearing counsel the Court made the following

O R D E R

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

Leave granted.

The appeal is disposed of. First Appeal
No.726/1994 is restored on the file of the High Court
subject to the appellants paying a sum of Rs.5,000/- as
costs to the respondent. The amount of costs to be
deposited with the Registrar of the High Court within a
period of six weeks from today. High Court to decide
the First Appeal on merits in accordance with law. The
appellants to prepare the paperbook and submit it
before the High Court within a period of three months
from today.

.SP1

(Vijay Kumar Sharma)
Court Master

(R.K. Kumar)
Court Master

Signed order is placed on the file.

.PA
.PL54

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2848 OF 2001@@
CCCCCCCCCCCCCCCCCCCCCCCCCCCCCCCC
(Arising out of SLP (C) No.15793/2000)

R.PARAMASIVAN & ANR.

..Appellants

Versus

T. ANUSUYA

.. Respondent

O R D E R@@
CCCCCCCC

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

Leave granted.

Heard the learned counsel for the parties.

By the impugned order dated 30.6.2000 the High Court of Karnataka dismissed the Civil Petition No.663/2000 which was filed by the present appellants for restoring the First Appeal on file. Considering the facts and circumstances of the case, in our view, the impugned order requires to be set aside and is hereby set aside. First Appeal NO.726/1994 is restored on the file of the High Court on a condition that the appellants would pay Rs.5,000/- as costs to the respondent and would deposit the same with the Registrar of the High Court within a period of six weeks from today. High Court to decide the First Appeal on merits in accordance with law.

.PA

:-2:-

The appellants to prepare the paperbook and submit it before the High Court within a period of three months from today. It would be open to the parties to seek expeditious hearing of the First Appeal. In any case, counter part of the appellants would not seek any adjournment if the matter is fixed for hearing except on exceptional ground. The appeal stands disposed of accordingly.

.SP1

.....J.
(M.B. Shah)

.....J.
(S.N. Variava)

New Delhi,
April 16,2001.